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**Committee on the Rights of the Child**

## Consideration of reports submitted by States parties under article 44 of the Convention

### Combined second, third and fourth periodic reports of States parties due in 2009

## Zambia*

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## Glossary/Abbreviations

| | |
|---|---|
| ACC | Anti-Corruption Commission |
| APPB | Arrest and Prisoner's Property Book |
| ARH | Adolescent Reproductive Health |
| ARRS | Arrest, Reception and Referral Services |
| ART | Anti-Retroviral Therapy |
| CCUP | Child Care Upgrading Programme |
| CDC | Curriculum Development Centre |
| CHAZ | Churches Health Association of Zambia |
| CMR | Child Mortality Rate |
| CRC | Convention on the Rights of the Child |
| CSEN | Children with Special Needs |
| CSO | Central Statistics Office |
| CSOs | Civil Society Organisations |
| DEC | Drug Enforcement Commission |
| FAWEZA | Forum for African Women Educationists in Zambia |
| FBOs | Faith Based Organisations |
| FNDP | Fifth National Development Plan |
| FSP | Food Security Pack |
| GRZ | Government of the Republic of Zambia |
| HIV/AIDS | Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome |
| HRC | Human Rights Commission |
| IMR | Infant Mortality Rate |
| MDGs | Millennium Development Goals |
| NCP | National Child Policy |
| NGOs | Non-Governmental Organisations |
| NPA | National Plan of Action |
| NYP | National Youth Policy |
| OCC | Office of the Commissioner for Children's Rights |
| PPCA | Police Public Complaints Authority |
| PWAS | Public Welfare Assistance Scheme |
| SCT | Social Cash Transfer |
| SGBV | Sexual and Gender- Based Violence |
| SNDP | Sixth National Development Plan |
| STI | Sexually Transmitted Infections |
| UMR | Under-Five Mortality Rate |
| UNICEF | United Nations Children's Fund |
| UNDP | United Nations Development Programme |
| VCT | Voluntary Counselling and Testing |
| WHO | World Health Organization |
| ZAMREN | Zambia Research and Education Network |
| ZAWA | Zambia Wildlife Authority |
| ZCEA | Zambia Civic Education Association |
| ZICTA | Zambia Information and Communications Technology Authority |
| ZLDC | Zambia Law Development Commission |

## Acknowledgements

1. The Government of the Republic of Zambia through the Ministry of Justice would like to thank everyone both within Government and civil society that participated in providing information that is contained in this report. The Ministry would like to extend a special thanks to the United Nations Children's Fund (UNICEF) for providing both technical and financial assistance towards the finalisation of the report. Lastly, the Ministry thanks the children who participated in the provincial children's consultative workshops. Without the participation of those children, this report would not be complete.

## Introduction

2. This report combines Zambia's second, third and fourth periodic reports. The information included in the report is mainly in response to the Concluding Observations and Recommendations made by the Committee on the Rights of the Child (CRC/C/15/Add.206) following its consideration of Zambia's Initial Report (CRC/C/11/Add.25). However, the report also contains information on important developments that have taken place in the protection of children's rights in Zambia since the last report.

3. The process of preparing this State party report commenced with various workshops that were held in order to ensure a participatory approach involving different stakeholders on the measures that had been put in place by the State to implement the provisions of the Convention. The content of this report, therefore, reflects the contribution of key stakeholders with regard to how the country has performed in undertaking its obligations under the Convention.

4. The Government of Zambia also decided that children be consulted in the preparation of the report, in line with Article 12 of the Convention. In order to give an opportunity to the children to take part in the preparation of the State party report, Provincial Children's Consultative Workshops were subsequently held in all the nine provinces of Zambia[1] from 23 August to 10 September 2011. The workshops were made possible with the financial support from the United Nations Children's Fund (UNICEF) and information was collected in line with the reporting guidelines of the Convention. A two-day consolidation workshop was held from 3 to 4 November 2011 for facilitators of the provincial consultative workshops and representatives from UNICEF in order to validate the provincial reports and consolidate them into one report.

5. The Children's Consultative Workshops were attended by 450 children between the ages of 9 to 18 from various parts of the country. In order to get representation of children from various backgrounds, committees were set up in all the provinces for the purpose of identifying and coordinating the movement of children to the venues of the workshops. Children with disabilities, orphans, children living on the street, children from government, community, reformatory and private schools and children from urban and rural areas were all represented at these workshops. The children's workshops were facilitated by the Ministry of Justice in partnership with the Zambia Civic Education Association (ZCEA). Facilitators were also invited from African Network for Prevention and Protection against Child Abuse and Neglect (ANPPCAN), Ministry of Community Development, Mother and

[1] Note that Zambia now has 10 Provinces following the creation of Muchinga Province by the Government.

Child Health (formerly Ministry of Community Development and Social Services), Ministry of Sport, Youth and Child Development, the Zambia Police Victim Support Unit (VSU), Youth Vision Zambia, Children in Need Network (CHIN), Roychin, Sport in Action, Young Women's Christian Association (YWCA) and Save the Children Sweden/USA.

6. This report is structured in line with thematic areas as contained in the Convention. For each thematic area, a separate section is dedicated to bring out information obtained from the children's consultative workshops. The separate section for the views of children is meant to avoid clouding their critical views with the mainstream information provided by the State party.

# I. General measures of implementation (arts. 4, 42 and 44 (para. 6))

## A. Reservations and declarations

7. Zambia wishes to reiterate that it maintains no reservations or declarations in relation to the provisions of the Convention. Zambia also reports that although it has signed the two Optional Protocols to the Convention namely; the Optional Protocol on the involvement of children in armed conflict (OPAC) and the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC), the protocols had not yet been ratified at the time of reporting. However, Zambia wishes to state that the process for the ratification of the two optional protocols has commenced.

## B. Legislative measures

8. Zambia reports that there have been some significant developments during the period of reporting in relation to legislation relevant to advancing the promotion and protection of the rights of children within its territory. Notable among the new legislation are the Anti-Gender Based Violence Act No. 1 of 2011, the Education Act No. 23 of 2011, the Persons with Disabilities Act No. 6 of 2012 and the Anti-Human Trafficking Act No. 11 of 2008.

9. The Anti-Gender Based Violence Act, inter alia, provides for the establishment of shelters for victims of gender based violence. Particularly, section 27 provides that a shelter for child victims shall secure the physical safety of the child and provide for temporary basic material support for the care of a child victim. The Act includes "child marriage" as a form of "physical, mental, social or economic abuse". A copy of the Act is attached for the Committee's further scrutiny.

10. The new Education Act, No. 23 of 2011 among other provisions, seeks to domesticate the Convention in relation to education. It provides for the child's right to free basic education and a person's right to early childhood care, development and education. It prohibits the contraction of any form of marriage by a learner who is a child. The Act obligates the Minister to ensure equal access to quality education to all learners including poor and vulnerable children. It prohibits the imposition of corporal punishment or degrading or inhuman treatment on a learner. A copy of the Act is attached for the Committees further scrutiny.

11. The Anti-Human Trafficking Act, among other things, domesticates the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Further details on the Act are given under Chapter VIII of this report.

12. Another recent piece of legislation with specific provisions for children is the Liquor Licensing Act No. 20 of 2011. Section 35 of this Act provides, in part, that a licensee shall not employ a child in the licensed premises. Section 36 prohibits the sale or delivery of intoxicating liquor to a child. Further it is prohibited to knowingly allow a child to consume intoxicating liquor in any bar or allow any child to enter or remain in a bar.

13. The Persons with Disabilities Act No. 6 of 2012 provides for the domestication of the Convention on the Rights of Persons with Disabilities and its Optional Protocol as well as other international instruments on persons with disabilities to which Zambia is a party. Section 4 of the Act provides for general principles that apply to both children and adults with disabilities. Section 4 further provides that the evolving capacities of children with disabilities and their rights should be respected in order to preserve their dignities. Section 21 provides that the national strategies shall incorporate measures which enable children with disabilities to be provided with information about services available and that early interventions such as early stimulation and education should be provided to such children as early as possible in order to prevent development disabilities. Section 21 further provides that children with disabilities should enjoy all human rights and freedoms on an equal basis with other children and have equal opportunities and equal access to education, health care, sports, recreation and all other services in the community. Section 30 of the Act makes it mandatory for the Ministry responsible for health, in collaboration with the Ministry responsible for social welfare, to provide for periodic screening of children in order to detect, prevent and manage disability. A copy of the Act is attached.

14. With regard to the Committee's recommendation that the State party continue to strengthen its efforts, through the Zambia Law Development Commission (ZLDC), to review existing legislation and customary law with the aim of bringing them into conformity with the Convention, the State party reports that the process of strengthening all its child-related legislation is an ongoing exercise. To this effect ZLDC, in conjunction with other stakeholders, has conducted an audit and review of all child-related legislation. Technical cooperation for the review was sought from the United Nations Children's Fund (UNICEF) and other cooperating partners. The following are some of the pieces of legislation considered during the audit:

- Legitimacy Act, Chapter 52 of the Laws of Zambia: The review focused on amending all the provisions in the Act which are not consistent with the principles of non-discrimination, best interests of the child and the rights of the child to express his or her opinions freely in all matters and to disseminate his or her opinions subject to such restrictions as are prescribed by law.
- Affiliation and Maintenance of the Children Act, Chapter 64 of the Laws of Zambia: This Act has been impliedly repealed in its application to maintenance and custody proceedings by the Matrimonial Causes Act No. 20 of 2007.
- The Education Act, Chapter 134 of the Laws of Zambia: The review focused on amending the Act so that it complies with international standards.
- Adoption Act, Chapter 54 of the Laws of Zambia: The discriminatory provisions were considered for review in this Act. Further, the review will aim at strengthening provisions relating to the best interests of the child in the Act.
- Marriage Act, Chapter 50 of the Laws of Zambia: In this Act the review considered the provision regulating the age below which marriage should not be contracted.
- Matrimonial Causes Act, No. 20 of 2007: The review considered discriminatory sections in the Act and strengthening of provisions that reflect the best interests of the child principle.

- Births and Deaths Registration Act, Chapter 51 of the Laws of Zambia: Provisions that relate to financial obstacles for late registration of births were considered for revision in this Act.
- Intestate Succession Act, Chapter 59 of the Laws of Zambia: The review considered the definition of the child in the Act to align it with the Convention.
- Widows and Orphans Act Chapter 279 of the Laws of Zambia: The review aimed at revising the definition of the child in the Act because it is discriminatory.
- Day Nurseries Act, Chapter 313 of the Laws of Zambia: The review considered removing discriminatory words such as "illegitimate children" and other discriminatory clauses from this Act.
- Employment of Young Persons and Children Act, Chapter 274 of the Laws of Zambia: The review considered revising the definition of the child in the Act to align it with the Convention and the ILO Convention concerning Minimum Age for Admission to Employment and the ILO Convention concerning the Prohibition and immediate Action for the Elimination of the Worst Form of Child Labour.
- Juveniles Act, Chapter 53 of the Laws of Zambia: The review considered revising the definition of the child and the administration of child justice.
- Defence Act, Chapter 106 of the Laws of Zambia: The review of this Act was focused on raising the voluntary enlistment age beyond the current age of 16 and the prohibition of forced or compulsory recruitment of children for use in armed conflict.

15. Zambia invites the Committee to note that some of the Acts which were under review have already been repealed and replaced with new Acts to ensure that they comply with international standards. The Education Act, Chapter 134 of the Laws of Zambia has been repealed and replaced with the Education Act No. 23 of 2011. The Day Nurseries Act, Chapter 313 of the Laws of Zambia has also been repealed. Some of the Acts under review may not be amended owing to the fact that they are not at variance with the principles of the Convention and that some of them in fact do reflect those principles. As regards the adoption of a comprehensive children's code as recommended by the Committee, Zambia reiterates that although there is no single children's code, the principles of the Convention are properly reflected in the relevant pieces of legislation which are under review.

## C. National policy and planning measures

16. Zambia reports that it is currently drafting the Children's Code which will provide for the establishment of the National Council for Child Services. It is anticipated that once the Bill is passed, the Council will have powers to coordinate some of the activities for the implementation of the Convention.

17. Zambia also reports that consultations towards the formation of the National Council for Child Services were focused on the need to define the relationship between the Council and the National Steering Committee on Orphans and Vulnerable Children. This was done in order to avoid duplication of coordinating activities. The functions of the National Council for Child Services are now clear in the Bill and no duplication is envisaged.

18. The National Plan of Action was also revised in 2009 to guide the implementation of the revised National Child Policy. This is currently now being implemented.

**National development plans**

19. Zambia launched the Sixth National Development Plan (SNDP) in February 2011. The SNDP, which covers the period 2011–2015, replaced the Fifth National Development Plan (FNDP), and is aimed at actualising the aspirations of Zambia in Vision 2030 of becoming "a prosperous middle-income nation by 2030".

20. Zambia wishes to report that during the FNDP period, the social sector recorded some progress towards meeting some of the performance targets such as the health centre utilization rate, immunization coverage, malaria case fatality rate, maternal and infant mortality rates, education enrolment rates and disbursement of funds to districts. Despite these achievements, the sector continued to face challenges which included a high disease burden, inadequate medical staff and weak logistics management in the supply of drugs and medical supplies. In this regard, the SNDP focuses on overcoming these challenges in order to effectively provide promotion, preventive, curative and rehabilitative health services. Zambia has a young and dependant population, with 46 percent of the population being under the age of 15. The overall age dependency ratio was 96.2 per 100 in the year 2006. The child dependency ratio was 91 dependants who were children to be cared for by 100 persons in the productive age group.

21. In the SNDP, there is more focus on quality improvement in the education and health sectors for the whole population, including children. Attention will continue to be placed on teacher supply (recruitment, deployment and retention), provision of teaching and learning materials and infrastructure development. Additional focus has been placed on school level processes such as school governance, teacher supervision, quality assurance, teacher continuous professional development and pedagogical support so as to actively pursue an improvement in the quality of education delivery. Furthermore, the sector will seek to address the efficiency and effectiveness of education and skills development delivery through curriculum development, improved management and governance of institutions, community involvement, civil society and private sector engagement. The goal is to increase equitable access to quality education and skills training to enhance human capacity for sustainable national development.

## D. Budget

22. Zambia is taking measures to ensure that resources are made available for children, especially those in difficult circumstances. During the period of reporting Zambia developed the FNDP, referred to earlier, with specific provisions for the inclusion of adequate resources for children. The SNDP has built on this undertaking through the vision "Enhanced youth and child survival, development and protection through a well-coordinated and multi-sectoral approach by 2030" under Chapter 11 which is dedicated to children and youth.

23. During the period of reporting, budget allocation to sector ministries dealing with children increased in the National Budget. However, Zambia also reports that making adequate financial resources available to children's projects and programmes has been a huge challenge due to limited resources as against competing needs. The budget allocation to the Public Welfare Assistance Scheme (PWAS) and Social Cash Transfer (SCT) counterpart programmes has increased in the past years while the Street Children programme budget allocation has been decreasing due to lack of adequate funding. Both the PWAS and SCT programmes are family oriented measures which target 10% of the population, normally vulnerable groups and the destitute, which include children.

24. In the 2012 National Budget, resources were allocated towards the implementation of programmes relevant to child welfare and development. In addition, cooperating partners

provided budget support. The implementation of programmes and projects relevant to the welfare of children has benefited from this budget support.

## E. Institutional and independent monitoring structures

25. Zambia reports that the Human Rights Commission is currently the only independent structure or institution with the mandate to monitor the situation on children's rights. The functions and powers of the Commission are in line with the Principles relating to the Status of National Institutions (Paris Principles). In October 2006, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) conferred "A Status" accreditation on the Human Rights Commission. This status was reviewed in 2011 and the ICC retained Status A for the Commission. The Commission was awarded its "A" status certificate during the 25th Annual General Meeting of the International Coordinating Committee in March 2012.

26. The Commission has powers to receive and investigate complaints about violations of human rights, including those involving children. At the end of the process, the Commission recommends measures of redress should a violation be established or may refer the matter to an appropriate body for further consideration.

27. In order to give more emphasis and attention to the rights of children, the Commission, with financial and technical assistance from Save the Children, established the Office of the Commissioner for Children's Rights (OCC) in 2007. The OCC was officially launched on 28th July 2009. The setting up of the OCC was as a result of the desire by the Human Rights Commission to enhance the monitoring, promotion and protection of the rights of children. The OCC operates within the general mandate of the Human Rights Commission and makes every effort to work closely with Government Ministries and Departments, Civil Society Organisations, international organisations, schools, the Zambia Police Service, the Zambia Prison Service and other child care facilities. Since its establishment, the OCC has been working to promote the rights of all children and young people as well as monitoring the effective enforcement of international and national standards on the rights of children. Key activities that have been undertaken by the OCC include visits to child correctional facilities and the holding of public hearings on violence against children. In 2009, the Commission, through the OCC, also conducted a Desk Study on the Implementation of the Convention on the Rights of the Child. The main goal of the study was to inform the Government on the implementation of the Convention

28. Further, in its quest to expand its visibility and outreach, the Commission, with the assistance of the Government of the Republic of Zambia, the Royal Norwegian Embassy and the United Nations Development Programme (UNDP) established five regional offices outside Lusaka between July 2004 and December 2006. The regional offices were established in the Copperbelt, Northern, Eastern, Southern and Western Provinces. The establishment of these regional offices has been beneficial to the Commission's activities in the area of children's rights. For instance, the presence of the Commission in the provinces proved useful to organising the public hearings on violence against children which established the extent and prevalence of violence against children and informed the intervention measures.

29. Although the Commission has received some financial assistance and support from cooperating partners it still faces a lot of challenges in monitoring and implementing children's rights related activities due to limited funding. This has for example resulted in inadequate transport and other equipment; inadequate human resource and lack of presence in all provincial centres and districts.

## F. Data collection

30. Measures are being put in place to develop a system for the comprehensive collection of disaggregated data on children. Currently, the Ministry of Community Development, Mother and Child Health have collected data on the number of orphans who are adopted and fostered and also those who are receiving welfare support. This data is passed on to the Ministry of Finance and National Planning on a quarterly basis for use in economic planning. The Ministry of Community Development, Mother and Child Health is also testing a new form of indicators in three provinces to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of policies that affect children. In addition, the Ministry of Gender and Child Development is working with the Central Statistical Office (CSO) with the support of UNICEF and RAPIDS to create a National Data Base on children. Further, the Ministry of Education has a comprehensive data base of information on children of different needs and situations. This information has been used in planning for better provision of educational services.

31. The Ministry of Community Development, Mother and Child Health is still facing the challenge of lack of resources and technical expertise in the field of statistics so that the information is organised and availed to the public. In this regard, the Ministry has had plans to include in its budget a programme to create a statistical unit to handle all the statistics for the Ministry. This, however, remains a challenge because of lack of adequate staff.

## G. Dissemination, training and integration into school curriculum

32. Zambia continues to take measures to ensure that the principles and provisions of the Convention are widely known by both adults and children. In this regard, the following have been done:

(a) Zambia has collaborated with some cooperating partners in developing skills programmes for police officers, magistrates and social workers. The State Party has also continued to work with the civil society organisations, such as the Zambia Civic Education Association (ZCEA), in creating awareness of the provisions of the Convention through the promotion of child rights clubs in government and community schools.

(b) The Government, in collaboration with civil society organisations, has continued widespread dissemination of information on children's rights through the print and electronic media, as well as through the formation of the CRC-NPA district committees.

(c) Zambia has undertaken the orientation of media personnel on the provisions of the Convention with the support of UNICEF and RAPIDS.

(d) The Ministry of Education has mainstreamed the teaching of human rights and, more specifically, changed the school curriculum to include topics on human rights in general and children's rights specifically. Additionally, the school teacher training curriculum is also being revised to ensure that all teachers have basic training in human rights before they start teaching.

33. Further, Zambia reports that it has engaged a wide spectrum of professionals as recommended by the Committee in the dissemination of the Convention. Specifically, the Human Rights Commission with the help of UNDP has continued conducting different training programmes on children's rights to different groups of people in society. In 2002, the Commission trained 15 chiefs and 13 District Education Officers (DEOs) in Southern Province. In Lusaka, 209 educationists and a total of 2,630 law enforcement officers were trained in human rights, including children's rights.

34. In 2006 the Commission conducted trainings in Chibombo district with the participation of 44 people drawn from different government departments and 39 head teachers. In 2008, 33 Members of Parliament were trained in children's rights at a three day workshop held in Siavonga, Southern Province. The workshop with the Members of Parliament was also meant to create awareness of the existence of the new children's rights office within the Commission. The Zambia Police Service, in partnership with the Human Rights Commission, also facilitated the training of 96 paramilitary officers at Sondela in 2008. In 2009, the Commission facilitated training in human rights for 41 media personnel from 22 different community radio stations under the Community Radio Project with support from UNDP. The project was intended to mainstream human rights in the programming of the community radio stations, with particular emphasis on the rights of vulnerable groups such as children. The UNDP also provided funds for Legal Literacy and Human Rights training for rural communities. Training was conducted in Central, Southern, Northern, Luapula, Copperbelt and Western Provinces and over 1000 villages benefited.

35. With financial support from the German Government, 96 police and prison officers were trained from Lusaka, Kitwe and Livingstone. Further, the Anti-Corruption Commission (ACC), Zambia Wildlife Authority (ZAWA) and the Office of the President have had some of their officers receive training in children's rights in the context of law enforcement.

36. The Government, through the Ministry of Education, has also introduced civic education in the basic and high school curriculum. The syllabus includes outlines on international and regional human rights instruments, including the Convention on the Rights of the Child. In the period 2002 to 2008, teachers and other educators benefitted from workshops on human rights organised by the Human Rights Commission, the Zambia Civic Education Association (ZCEA) and the Curriculum Development Centre (CDC). The workshops were organised to prepare teachers in delivering lessons on international, regional and national human rights arrangements.

37. Despite the foregoing, Zambia wishes to report that not much has been done with regard to the Committee's recommendation to continue to use creative tools for the dissemination of the Convention, notably with regard to illiterate people, owing to financial constraints. Zambia is, however, committed to making the Convention widely known even among those who are illiterate.

## H. Views of children on the general measures of implementation

38. It was evident from Children's Consultative Workshops that children had a fair knowledge of their basic rights despite not knowing where to report when these rights are violated. Children from urban areas were more conversant with their rights than those from rural areas. The following were some of their of the views:

(a) Involvement in Budget Process: On the budget, the children stated that they were not involved in any budgeting process at the family, school, community, constituency and national levels. They, however, felt that they should be involved in budgeting processes as this presented good training ground for them. Some children, however, believed that it was not necessary to be involved because that was the responsibility of adults or parents;

(b) Protective Factors (What Makes Life Good for Children in Zambia): The general view of children on protective factors was that Zambia was a peaceful nation and that this contributed to making life good for the children regardless of their social or economic status. They also stated that free basic education made life good for the children and that it provided them with an opportunity to read and write. Parental care was also identified as a factor that made life good for the children. They were of the view that

parental love and support contributed to the feeling of safety experienced by all the children;

(c) Risk Factors (What Makes Life Difficult for Children in Zambia): The children stated that lack of proper health care in some areas made life difficult for them. It was noted by the children that although health centres existed in all the areas, services by health professionals were not usually child friendly. In most cases, clinics were only able to give prescriptions due to inadequate medicines. Another risk factor brought out by the children was the loss of one or both parents. This resulted in children being removed from their home environment to live with relatives and, thereby, increasing the risk of the child being abused. Lack of clean water and poor sanitation was another factor mentioned by the children. Most children in the rural areas said they had to walk long distances to fetch water, the majority from urban areas said they woke up as early as 05:00 hours to access clean drinking water. This not only made the children tired but also reduced their time to study or play.

# II. Definition of the child (art. 1)

## A. Legislative measures

39. In Zambia, legislation remains fragmented with regard to the definition of "child" or the age of attainment of majority. Each relevant piece of legislation sets age limits that are appropriate for its purposes. The age limits outlined in Zambia's Initial Report on the Convention on the Rights of the Child have not changed since that report. However, it is noteworthy that some recent legislative developments have endeavoured to provide for the age of majority as provided by the Convention, such as the Anti-Human Trafficking Act of 2008 and the Persons with Disabilities Act 2012.

40. Zambia wishes to report that it is committed to the process of reviewing and harmonization of all child related legislation in order to give effect to the recommendations of the Committee. Following General Elections in September 2011 which resulted in a change of Government, a Technical Committee of Experts was appointed to draft a new Constitution for the country. The Technical Committee produced the draft Constitution of the Republic of Zambia which defines "child" as a person who is below the age of 18 years. Once the new Constitution is in place, all relevant subordinate legislation will be reviewed to conform to the constitutional definition.

41. In addition, Zambia wishes to report that there have been other processes undertaken in recent years with a view to improving legislative protection of children's rights. In 2007 an audit of all child related laws was undertaken by the ZLDC to facilitate an effective review and reform process. The audit reviewed the literature sources and comprehensive child protection frameworks and existing legislation and policies to ensure harmony and consistency with international standards, in particular the Convention. The review also addressed the issue of increasing the legal age of criminal responsibility and establishing a clear definition of a child in accordance with article 1 and other related principles and provisions of the Convention. The outcome of the review process is that seven Bills have been drafted under the Criminal and Correctional Laws while the Juveniles Act is to be repealed and replaced with the Child Justice Administration Act. The Child Justice Administration has already been approved by stakeholders. Further, stakeholders recommended that one children's code be adopted and is currently being drafted under the ZLDC. The next step will be to seek Cabinet approval for introduction in Parliament. It is anticipated that this will be done within 2013.

42. The audit report was finalised in 2008, after which a programme to disseminate the report as a working paper was designed and implemented. Workshops were held in Lusaka and Central, Copperbelt and North Western, Southern, Luapula and Northern, Western and Eastern provinces. Participants were drawn from Government ministries and departments, civil society and faith-based organisations, the Zambia Police Service, Judiciary and cooperating partners from all the provinces.

43. Zambia has faced many challenges in the review and audit process of child related legislation. Lack of adequate financial and human resources have been the major challenges in ensuring the successful completion of the audit process within a reasonable time.

44. Zambia is working towards effecting the Committee's recommendations on reviewing all legislation relevant to children. Notably, and as indicated above, the constitution review process is expected to result in a complete overhaul of the Constitution. It is expected that the Constitution will contain a new and expanded Bill of Rights containing, among others, comprehensive provisions on children's rights, including a definition of "child" in line with the Convention.

## B. Views of children on the definition of the child

45. The children understood a child to be a person below the age of 18 years.

(a) Age for School: The children from urban areas were of the view that a child should start school at the age of 5 years while those from rural areas said 7 years was the appropriate age. Some of the children stated that the appropriate age for completion of secondary school was 17 or 18 years, while others were of the view that there should be no age limit with regard to completion of secondary school.

(b) Age for Sexual Consent: The children thought that 18 years was the appropriate age for sexual consent.

(c) Age for Employment: On the age for employment, the children's views varied between the ages of 16 and 25 years.

(d) Age for Voting: The majority of the children stated that the age for voting should be 16 years as this is the age at which children got their National Registration Cards (NRC).

(e) Age for Criminal Responsibility: The opinion of the children on the age for criminal responsibility was that it should be set at 16 years because at that age a child was able to reason.

(f) Age for Marriage: There were different views from the children on the exact age at which a person should get married. The views of the children on the minimum age for marriage varied from the age of 18 to 28 years. Some of the children from Luapula Province, however, indicated that children as young as 12 years had been forced into early marriages.

(g) Age for Alcohol Consumption: The children were of the view that the legal age for alcohol consumption should be increased to 20 years.

# III. General principles (arts. 2, 3, 6 and 12)

## A. Non-discrimination

46. Zambia wishes to reiterate that its laws and policies continue to support the equality of all persons, including children. Children belonging to the most vulnerable groups, such as girls, children with disabilities, orphans, disadvantaged children and children born out of wedlock are entitled to the enjoyment of the same rights guaranteed in the Bill of Rights as provided in Part III of the Constitution.

47. Zambia also wishes to report that under the constitutional review process, some progressive provisions on non-discrimination in relation to children have been included in the draft Constitution. In particular, article 27 on "protection from discrimination" provides that a person has the right not to be discriminated against, directly or indirectly, on any grounds including, among others, age. Also, article 55 contains an elaborate catalogue of children's rights, including equality of all children before the law, whether born in or outside wedlock. Furthermore, there is a proposal that any law, custom or tradition that undermines the dignity welfare interest or status of persons with disabilities is prohibited under the draft constitution. These are progressive provisions which will add to the protection measures for children against discrimination.

48. Zambia further reports that it had prioritised institutional reforms for the effective implementation of social protection measures in the FNDP. The focus of the reforms included:

(a) The needs of disadvantaged women and children;

(b) Development of a comprehensive social security system which included informal sector workers;

(c) Enhancement of child survival, development and protection interventions and support for and protection of orphans and vulnerable children through the review of child legislation; and

(d) Enhancement of child survival, development and protection of orphans and vulnerable children to eliminate of child labour.

49. One of the other programmes prioritised in the FNDP was support for vulnerable children and youths. Zambia is focusing on rehabilitating street and other vulnerable children, youth and persons living with disabilities. In terms of implementation, Zambia reports that the FNDP was well implemented although many challenges were still encountered especially with regard to coordination. It is hoped that the SNDP, with the lessons learnt from the FNDP, will be better coordinated.

## B. Best interests of the child

50. The laws and policies in Zambia have continued to uphold the best interests of the child. With regard to recent legislation, the principle of the best interests of the child is reflected in several provisions of national legislation, notably the Penal Code Amendment Act No. 15 of 2005, the Affiliation and Maintenance of Children Act Chapter 64 of the Laws of Zambia and the Juveniles Act Chapter 53 of the Laws of Zambia. The review of laws relating to children seeks to reflect this principle in other legislation where it is considered cardinal to the enhancement of child protection systems.

51. Zambia also reports that the ZLDC, in the course of carrying out its mandate of law reform, has been sensitizing stakeholders on various legal issues including the principle of

best interests of the child. The key stakeholders that the ZLDC has interacted with include some traditional leaders at grass root level and members of the House of Chiefs. These stakeholders have demonstrated that they have appreciated the need to uphold the best interests of the child and that they do apply the concept when dealing with issues of children in the application of customary law in their areas. In addition, at the time of reporting, the ZLDC was undertaking research on the development of legislation to regulate marriages that are contracted under customary law. One of the issues addressed was that of the minimum age for marriage. The findings from the field research showed that there is no minimum age for both boys and girls. Further, girls are married as soon as they attained puberty, which in some cases is as early as 13 years of age. Boys are married at a slightly older age ranging from 17 to 20 years.

52. Zambia reports that child justice role players ensure that children who come in contact with the law have their best interests taken into consideration. The views of the children are encouraged and heard in custody cases and the best interests of the child is the guiding principle when a custody order is made by a court. In this regard, part of the law review seeks to look at alternatives for children in conflict with the law. Further, the State party, through the Child Justice Forum and other stakeholders, has ensured that selected police stations have separate detention cells for children, in line with the requirement to detain children separately from adults. The process is ongoing.

53. As regards the Committee's recommendation that Zambia should take all necessary measures to ensure that customary law does not impede the principle of best interests of the child, Zambia reports that the process of reviewing child-related legislation has conducted awareness raising activities with traditional leaders at community level and that the administrative structures have been involved in the information dissemination phase. This phase has been focused on sharing the content of the law and highlighting certain provisions that are imperative for day-to-day administrative functions.

54. The Government intends to continue to engage traditional leaders will to ensure that the traditional leaders ensure the best interests of the child are taken into consideration at community level. Local Court Magistrates who administer customary law and Provincial Administration have also with the help of cooperating partners been engaged and trained in the promotion of the best interests of the child. Customary law on the whole has demonstrated a shift towards upholding the best interests of the child, but it is conceded that more needs to be done.

## C. The right to life, survival and development

55. Zambia has made progress in implementing and protecting the rights of the child with regard to the right to life, survival and development.

56. Furthermore, one of the important principles being considered in the constitutional review process is that all children have equal rights before the law and this includes the right to life.

57. Zambia wishes to also report that one of the strategic priorities in the Roll-out National Plan of Action of 2009 to 2010 was to engage the multi-sectoral community to play an active role in supporting the survival, protection and development of children. In this regard, the State party sought to strengthen partnerships at all levels with a view to obtaining financial and technical support. Further, arising from the implementation of the policies that have been put in place, the following achievements have been realized:

- Child mortality has reduced from 191 to 119 per 1000 births;

- Prevention of mother to child transmission of HIV has improved with 61% of women having access to anti-retroviral drugs thereby saving the lives of 45,000 women every year and 25,000 children who would have died;
- More than 97% of children now have access to basic education;
- Immunization of children is now at 77% of the total children population.

## D. Respect for the views of the child

58. The Committee may wish to note that every effort is being made to increase public awareness on participatory rights of children in all settings. In this regard, the State party has, through the relevant ministries, been implementing a community mobilisation and awareness programme, targeting traditional leaders, civic leaders, religious leaders and parents. This programme is aimed at sensitizing local communities on the rights of children, and to mobilise financial and human resources to improve the welfare of children in communities. Further, community radio stations are being assisted with finances to disseminate information on the Convention using local languages.

59. With regard to the Committee's recommendation to establish a Youth Parliament, Zambia wishes to state that the recommendation is still receiving active attention.

## E. Views of children on the general principles

60. The children in the consultative workshops expressed the following views on the general principles of the Convention:

(a) Non-discrimination: The children stated that discrimination existed on the grounds of gender, ethnicity, language, disability, religion and other status. Some children stated that they had been discriminated against on the grounds of gender, social status and disability. The children cited children with disabilities who are hidden by the parents in the homes and isolated in schools as examples of the discrimination that was taking place.

(b) Best Interests of the Child: The children were of the view that the best interests of the child are taken into account in court proceedings by the Social Welfare Officers, in family settings by the parents and at community level by the elders.

(c) Respect for the Views of the Child: The children mentioned that their views were more respected at school than at home. The children stated that parents do not listen to their views. They stated that they were heard by parents only in certain instances such as when they were asking for money to meet their needs. The children with hearing and speech impairment indicated that their views were not heard due to difficulties in communication. The children stated that they are not consulted at national level and that it is the parents who are consulted on behalf of the children. The children also mentioned that their views were only heard during national events such as Youth Day and Independence Day. The children also felt that they were not given an option to choose which parent they would like to stay with when the marriage was dissolved. However, some of the children felt it was better for the court not to ask for fear of hurting their parents. For example, in Mansa, Luapula Province, when children were asked how many would like to be consulted by the courts of law on which parent they would like to live with, 17 out of 20 children interviewed were for the idea of being asked while only three said they would not like to be asked to choose.

(d) Right to Life, Survival and Development: Children from the rural parts of the country said they had no access to adequate food. They stated that they rarely had three

meals in a day. With regard to access to clothing, children from urban areas felt that they had adequate clothes whilst those from the rural areas said they had few clothes. The children said hospitals and clinics were not easily accessible due to distance and this made it difficult to access health facilities.

# IV. Civil rights and freedoms (arts. 7, 8, 13–17, 28 (para. 2), 37 (a) and 39)

## A. Introduction

61. Zambia's constitutional and statutory guarantees as outlined in the previous report continue to protect children's civil rights and freedoms. The Constitutional Bill of Rights guarantees children their freedoms and rights according to evolving capacities. As with the Convention, the Constitution provides for freedom of expression, freedom of thought, conscience and religion, freedom of peaceful assembly and protection of privacy.

## B. Birth registration, name and nationality (art. 7)

62. Zambia notes the concerns raised by the Committee in its concluding observations on birth registration. Zambia reports that it is committed to promoting birth registration in the country and that, already, some measures have been put in place to promote it. These are:

(a) Increased awareness campaigns on birth registration countrywide, with support from cooperating partners such as UNICEF and Plan International;

(b) Involvement of traditional leaders in birth registration of children in their communities through the reintroduction of village registers in chiefdoms; and

(c) Capacity development of the Department of the Registrar of Births and Deaths through training and provision of computers and transport.

63. Zambia further reports that the Department of National Registration, Passport and Citizenship under the Ministry of Home Affairs which is charged with birth registration, is currently in the process of re-designing its business processes in order to improve service delivery. To this end an Integrated National Registration System is being developed under the Support to the Electoral Cycle in Zambia. Birth registration is one of the key sub-systems to be developed and feed into the integrated one. This sub-system will be designed to link with the Ministry of Health for birth record. As the integrated system is developed, rural registration will be enhanced as officers will be collecting this information on a regular basis to update the main system. More officers have been recruited to improve staffing levels in the district and an officer in each district has been assigned to deal with rural registration.

64. Zambia reports that ZLDC, in its review process, has considered the Births and Deaths Registration Act. Particular attention was given to provisions that relate to financial obstacles for late registration of births. Zambia further reports that among the proposals being considered in the constitution review process is one on birth registration. In this regard, the draft Constitution provides in Article 55(5) (a) for every child's right to a name and a nationality from birth and to have the birth registered.

## C. Corporal punishment

65. During the period under review, important legislative developments have taken place with regard to the protection of children against corporal punishment. In 2003, sections 14 and 330 of the Criminal Procedure Code were amended to outlaw corporal punishment in Zambia. The amendment was done through the enactment of the Criminal Procedure Code (Amendment) Act No. 9 of 2003, which repealed provisions relating to the administration of corporal punishment. Further, sections 24(c), 27, 36(c), 39 and 40(1) of the Penal Code, which prescribed corporal punishment as a form of punishment, were repealed through the enactment of Penal Code (Amendment) No. 10 of 2003.

66. Zambia further reports that it has prohibited corporal punishment in schools. Section 28 of the Education Act No. 23 of 2011 prohibits the imposition or administration of corporal punishment or degrading or inhuman treatment on a learner. Further, Government Departments, Human Rights Commission, Civil Society Organisations and other relevant stakeholders conduct activities to sensitize members of the public on positive discipline and alternatives to corporal punishment.

67. Through stakeholders, Government has produced and is distributing Training Modules and the Child Protection Policy to all teachers' training colleges.

## D. Torture and other ill-treatment

68. Zambia wishes to report that the Human Rights Commission, Office of the Commissioner for Children, is a child friendly structure where children whose rights are violated by law enforcement officers can report. However, the State acknowledges the need to strengthen the enforcement of the Commission's decisions or recommendations for them to be effective in addressing matters reported by children.

69. Further, measures have been put in place to reduce instances of ill treatment of children that come into contact with the criminal justice system. The Child Justice Forum was established in 2001 to improve inter-sectoral cooperation aimed at transforming and improving the child justice system by ensuring that Zambia adheres to the standards set out in the Convention.

70. Zambia reports further that training has been introduced and conducted for prison staff and other law enforcement officers. A total of 481 law enforcement officers have been trained in human rights standards for child by the Child Justice Forum so far.

## E. Views of children on civil rights and freedoms

71. With regard to civil rights and freedoms, the children consulted in the workshops held the following views:

(a) Right to a Name: The children stated that they had a right to a name and that they had the right to a good name;

(b) Birth Registration: With regard to birth registration, the children stated that they had no knowledge of whether or not they had birth certificates to show that they were registered after birth and they were only aware of the Under Five Clinic Record Cards;

(c) Freedom of Thought, Conscience and Religion: The children were of the view that they did not have a say in the religion they practiced. In Ndola, Copperbelt Province, 80 percent of the children that were interviewed expressed the view that a child

should choose his or her religion freely and 20 percent said they were comfortable with the religion introduced to them by their parents;

(d) Children's Access to Information and the Role of the Mass Media: The children were of the view that they were enjoying the right to information. They, however, said access to information should be monitored and regulated to ensure that they were getting the right information;

(e) Freedom of Association: On freedom of association, the children stated that they had a right to belong to any group they wanted and that they enjoyed this right;

(f) Right to Privacy: The children stated that they had no privacy at home;

(g) Places of Safety: In regard to places of safety, the children stated that they felt safest at church, at home when parents were present and at school when teachers were present.

# V. Family environment and alternative care (arts. 5, 9–11, 18 (paras. 1 and 2), 19–21, 25, 27 (para. 4) and 39)

## A. Social welfare and security

72. Zambia reports that several measures have been undertaken to provide assistance in single-parent and child-headed families in order to support them in bringing up their children and siblings. In particular, the Public Welfare Assistance Scheme (PWAS), introduced in 1999, has increased the number of beneficiaries. Reference may be made to the Statistical Report accompanying this report.

73. The PWAS is one of Government's major social assistance programmes. The objectives of the programme are:

(a) to assist the most vulnerable in society to fulfill their basic needs particularly health, education, food and shelter; and

(b) to promote community capacity to develop local and externally supported initiatives to overcome the problems of extreme poverty and vulnerability.

74. The PWAS is administered through the District Offices and has structures up to the community level where identification, prioritization and assistance are done. The PWAS targets 10 percent of the total national population which is most vulnerable and destitute. The targeted clients mainly include orphans and vulnerable children, households affected by HIV/AIDS, the aged, persons with disabilities, the chronically ill and female-headed households. The PWAS funds provide social, education and health support. Under social support, clients are assisted with basic needs such as food, clothing, utensils or blankets.

75. Zambia has also put in place the Social Cash Transfer Scheme (SCT), which is non-contributory payments of money provided to individuals or households. The SCT targets the 10 percent core poor households in a given community who fulfill the eligibility criteria. The SCT scheme has been operational since 2003 on a pilot basis and is currently in five districts. Evidence from an evaluation of the impact of SCT Scheme in 2008 in Kalomo, Southern Province, showed that beyond the immediate welfare effects, reflected increased income and daily consumption levels, SCT in Zambia has a positive influence on long term welfare through investment in human capital, including better nutrition, health and education. Results also show that beneficiaries strive to use the SCT funds on a number of investment opportunities in the area such as small scale livestock farming and children's education. The scheme will be rolled out into a nation-wide programme with initial rolling

out to ten additional districts in the next five years, namely, Kalabo, Shang'ombo, Kaputa, Luwingu, Serenje, Senanga, Zambezi, Chilubi Island, Milenge, and Chiengi.

76. Another facility is the Food Security Pack (FSP) programme. The overall objective of the FSP is to promote food security at household level in order to reduce poverty and enhance household nutrition among vulnerable but viable farming households. This is done through crop diversification, conservation farming, creation of commercial credit banks and promotion of alternative livelihoods, such as fish, piggery and poultry farming. Periodic monitoring revealed that 51 to 54 percent of the beneficiaries were female and this went to show that they had access to land.

77. Zambia further reports that, while some growth and progress has been observed under social welfare and security, meeting the needs of the poorest and most vulnerable is often hampered by:

- Lack of adequate financial resources for social protection resulting in spreading resources too thinly on the ground;
- Implementation challenges resulting in poor coordination and collaboration;
- Poor administrative capacity and difficulties in identifying and reaching the right targeted clients; and
- High turnover of staff.

## B. Children deprived of a family environment

78. Due to the increase in the number of orphans and other vulnerable children and the stagnation of resources allocated for foster fees, providing foster fees or other support to foster parents is a challenge. Lack of knowledge and information on foster services has led to many people being unaware of the existence of such services. This has in turn led to many families not being able to inform relevant authorities once they have extra children in their households.

79. Zambia reports that the Child Care Upgrading Programme (CCUP) has been running and has been mainstreamed into the normal functions of the Department of Social Welfare, through District Social Welfare Officers (DSWO) nationwide. The Government provides care for children removed from the streets by placing them at Chikumbi and Mufulira Children's centres which are wholly owned by the Government. At these centres, children living on the street undergo rehabilitation before reintegration into families. Before reintegration, families are assessed and provided with income generating activities to enable them provide basic necessities for the children.

80. District Child Protection Committees have been formed in 25 districts and membership includes all Government institutions working with children as well as members from child care institutions, Faith Based Organisations (FBOs) and members of the business community. Training in Psychosocial Support, Basic Qualification in Child Care (BQCC) and Minimum Standards of Care in order to improve the quality of care provided in both private and public institutions in 2010. The training was conducted in 13 districts out of 72 districts in the country. Each district comprised of 25 committee members. Additional training in children's rights has been provided to 560 officers who included police officers, medical personnel, prosecutors, social workers and magistrates.

81. Quarterly monitoring inspections to child care institutions, nationwide, are conducted by senior juvenile inspectors.

## C. Recovery of maintenance for the child

82. In relation to considering ratification of the Hague Convention on the Law to Maintenance Obligations of 1973, Zambia reports that it is still considering the recommendation and a decision will be made once all internal consultations have been finalised.

## D. Adoption

83. Formal adoption measures are available in Zambia.

84. Zambia also reports that at the time of preparing this report, the process for acceding to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 was under way. The Ministry of Community Development, Mother and Child Health has initiated a Cabinet memorandum seeking approval for the ratification of the two Hague Conventions.

## E. Violence, including abuse, neglect and maltreatment

85. The Government introduced the Enhancement of Vulnerable People's Justice System in 2008. The object of this programme is to increase awareness and ensure the protection of legal rights for vulnerable groups. Under this programme, the Government made a number of strides since 2009 to coordinate and implement programmes and activities on Sexual and Gender Based Violence (SGBV) which included:

(a) Facilitating integration of SGBV into all training, advocacy, and service delivery materials and guidelines which resulted in the training of 560 participants who included police officers, medical personnel, prosecutors, social workers and magistrates;

(b) Developing an activity plan in line with the National Development Plan which resulted in the development and launch of the National Communication Strategy on Gender Based Violence by the President on 29 October, 2009;

(c) Developing an M&E system to track improvements in gender equity at all levels;

(d) Working with stakeholders to provide places of safety for SGBV survivors which resulted in the establishment of four additional centres in Kitwe, Ndola, Mazabuka and Livingstone. At the time of reporting, there were eight centres;

(e) Creating awareness on the dangers of SGBV by conducting television and radio programmes on gender based violence in seven local languages. Furthermore, awareness and sensitisation campaigns against gender based violence were conducted in several towns. The awareness campaigns involved road shows, school debates and community campaigns. A total of 50 chiefs were trained in gender based violence awareness in recognition of the authority they hold in their communities.

86. National Guidelines for the Multi-disciplinary Management of Survivors of Gender Based Violence in Zambia were formulated with assistance from UNICEF to present a multi-disciplinary set of strategies for responding to the medical, legal, and psychosocial care and support needs of a gender-based violence survivor with special consideration for child survivors. The National Guidelines also include follow up care and referral mechanisms to other service providers that may be required by the survivor of violence. Further, the Zambia Police Force has been working closely with relevant government institutions and the general public in its quest to create a state of safety for both children

and the general public. The child Justice Forum is working to promote and build capacity in child sensitive judicial procedures. In addition, the Juveniles Act has been amended with regards to the protection of children who come into conflict with the law.

## F. Views of children on the family environment and alternative care

87. The children expressed the following views on this aspect:

(a) Child Abuse and Neglect in the Family and Substitute Care: The children stated that child abuse included giving a child to carry things that were heavy. Others said that giving work to a child that was not proportional to the age of the child amounted to child abuse. Some children also stated that child abuse took the form of sexual abuse, child labour and forced early marriages. The children cited poverty, traditional customs, sexual cleansing, belief that children needed to learn certain chores, desire for clothes among girls and ignorance, as some of the causes of abuse. The children stated that some children were abused and neglected by their parents or guardians and that the most vulnerable were orphans and dependants.

(b) Children in Substitute Care: On substitute care, the children stated that there were very few children living with their biological parents. Most of them had lost their parents whilst others could not live with their biological parents because they were too poor to provide for their children. Some of those who lived with both their parents felt that they were given full support while others said the parents were trying their best.

(c) Unemployment of Parents: The children highlighted unemployment among parents and lack of land as a major reason why children were also involved in child labour to support the family and that often resulted in children withdrawing from school.

(d) Sickness and Disabilities in the Family: The children stated that in instances where there was disability or sickness on the part of the guardian, the children were responsible for most of the daily chores in the home.

(e) Death and Separation of Parents: The children stated that most of the children were not living with their biological parents. For example, in Mongu, a survey showed that out of the 12 children interviewed in one group, one child lived with both parents, 10 lived with guardians and one lived with a single parent. This picture is a reflection of the whole group of 50 children even though the other children did not want to disclose their true status and could not be probed further. The children further stated that children whose parents die or are separated are affected both in emotional and general wellbeing. They also stated that children with parents that are separated normally visit both parents but that the parents never visit children living with the other parent. The children also stated that they had seen children whose parents are separated selling at markets to raise money for school.

### Recommendations

88. With regard to the thematic area on family environment and alternative care, the children made the following recommendations:

- Drop-in centres should be introduced by the Government in various areas;
- The courts of law in situations of divorce should ask children who they would like to live with so that they make a choice;
- In cases of orphans who have dropped out of school, skills training should be given to them by the Government to prevent them from engaging in negative practices such as drinking alcohol.

# VI. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1–3) and 33)

## A. Right to health and access to health services

89. Zambia has recorded progress in Maternal, Newborn and Child Health (MNCH) indicators as reflected in the Zambia Demographic and Health Survey (ZDHS) of 2007, in comparison with the ZDHS of 2002. Other notable improvements have been observed in the nutritional status of children through increased coverage of effective interventions and strategies made by the Ministry of Health over the years. According to ZDHS nutritional indexes of children, the prevalence of underweight children declined from 25.1% in 1992 to 14.6% in 2007.

90. However, there is still a lot of effort needed to attain significant improvements to reach the Millennium Development Goals (MDGs) 4 and 5.

91. Zambia has developed and launched the National Health Strategic Plan 2011-2015. The main objective of the Policy is to, among other things, provide Integrated Reproductive Health services and reduce maternal mortality from 591/100000 live births in 2007 to 115 by 2015 and to further reduce under five mortality from 119/1000 live birth in 2007 to 63 by 2015. The key strategies include strengthening Reproductive Health through safe motherhood and family planning, focused antenatal clinics, postnatal and newborn care, strengthening and improving the visibility of adolescent and Reproductive Health Services, scaling up and expanding the coverage for Reproductive Health.

### Children's health and nutrition

92. According to the 2007 ZDHS, Zambia's under-five mortality rate stands at 119 per 1000 live births and the infant mortality rate at 70 per 1000 live births. These figures indicate reductions from the 2002 levels of 168 per 1000 live births and 95 per 1000 live births respectively. Although Zambia has made progress in reducing under-five and infant mortality rates, there is need for greater efforts to be made if MDG 4 is to be achieved. Neonatal mortality rate has remained stagnated at around 40 deaths per 1000 live births over the past two decades and needs concerted efforts to be addressed.

93. The causes of under-five mortality are as a result of preventable diseases which include pneumonia, malaria, diarrhoea, anaemia and malnutrition. In recent years HIV has become a significant cause of deaths in children under the age of five years. Zambia, however, remains committed to reducing the under-five mortality rate and has put in place strategies for the delivery of health interventions for child survival. These include:

(a) Strengthened Expanded Programme on Immunisation and increased coverage of immunisation of children by the first birthday with above 80 percent coverage in all districts. The Ministry of Health launched the Bi-annual Child Health Week campaigns to supplement routine health service delivery to improve child survival and increase the access and coverage of these interventions. These campaigns, which began in 2000 with a view to mop up missed children who did not get immunised from measles and polio due to distance or cultural beliefs, have been very successful and are now integrated in the district action plans. Over time, the bi-annual child health weeks have included Vitamin A supplementation, which has maintained a high coverage of 90 percent since 2007. In 2010 49.9% of children slept under an Insecticide Treated Net (ITN) compared to 43.2% in 2008 while a percentage of pregnant women who slept under the ITN rose from 43.2 in 2008 to 45.9% in 2010 (Zambia National Malaria Indicator survey:2010).

(b) The immunisation programme has also made several achievements in reducing vaccine preventable diseases. For example, neo-natal tetanus was eliminated (below 2 cases per 100,000 births) since 2005. Zambia has attained a polio free status since 2003 and has significantly reduced measles morbidity and mortality.

(c) Improved prevention, treatment and care of childhood illnesses is one strategy that has been scaled up to increase access to health care. This is being done through strengthened community and facility based Integrated Management of Child Illnesses (IMCI) strategy in all districts. And also through Emergency Triage Assessment and Treatment which aims at improving care for very severely ill children at hospital level through early identification and management of such cases.

(d) Nutrition Programmes: The infant and young child feeding programmes and Management of Severe Malnutrition have been strengthened to increase delivery of vital nutritional interventions.

(e) Paediatric HIV: With an estimated 500,000 births every year and 16.4 per cent prevalence among pregnant women, about 80,000 infants are born to HIV positive women annually. An estimated 33,964 children out of the 110,000 living with HIV are in need of antiretroviral therapy. The paediatric HIV and anti-retroviral therapy (ART) programme has expanded to 509 sites in all the districts since 2004. Comprehensive paediatric HIV trainings have been conducted countrywide and over 2,000 healthcare workers in 428 facilities have so far been equipped with the knowledge and skills for management of paediatric HIV. Without intervention, one third of the infected children die before the first year, whereas 50 and 75 percent die before their second and fifth birthdays respectively. The number of infants receiving early infant diagnosis for HIV using specialized testing (DNA PCR technology has been increasing from 35'362 in 2009 to 41,108 in 2010 and further to 46,160 in 2011. Other achievements made include development of the paediatric HIV and prevention of mother to child transmission (PMTCT) national guidelines and training manuals. The revision of the Under Five Card has made easy the identification of children in need of paediatric HIV intervention. The advent of paediatric Fixed Dose Combination dispersible tablets (FDC) and their easy prescription using weight bands have contributed greatly to the scaling up of the programme.

(f) The Government has developed a Pregnancy, Childbirth, Postpartum and Newborn Care guidelines. These are essential and evidence based guidelines meant to guide health workers to provide high standard of maternal and Neonatal care. More specifically the guidelines focus on the conditions that cause Maternal and Neonatal morbidity and mortality. Among the sections covered are emergency management called Rapid Assessment and Management (RAM) and referral, antenatal care, labour and delivery, postpartum care and newborn care.

(g) The Government has also continued to advocate for the strengthening of the first 1000 Most Critical Days National programming. The first 1000 days programme focuses on the Care for pregnancy from conception, safe delivery practices, postnatal care and correct feeding practices.

(h) The Government is also implementing programmes to strengthen Emergency Obstetric and Newborn Care (EmONC) which includes the procurement of equipment for EmONC in health centres and hospitals and training of health workers in EmONC and use of equipment. Other support services include rehabilitation of infrastructure to make deliveries in hospitals and with skilled attendants possible, building of mothers' shelters in some districts, community involvement in national child health and newborn strategies to improve newborn and child health.

(i) The Government is also planning on expanded coverage on Nutrition commodities through scaling up of EMLIP. Baby friendly Hospital initiatives are being revitalized and expanded with links to the community and through Cooperating Partners.

**Curative interventions: post-natal care**

94. Most births occur at home without access to skilled care or emergency obstetric and newborn care. The implication of this is that about three quarters of maternal and neonatal deaths occur in the first week of delivery. Skilled care of the newborn and the mother in the post-partum period allows for early detection and delivery of appropriate life-saving interventions. The State party reports that this intervention had coverage of 39 percent of mothers receiving post-natal care within 48 hours of delivery.

**Management of pneumonia and diarrhoea**

95. Zambia reports that by 2007, 68 percent of children with acute respiratory infections symptoms were taken to a health facility or health worker for advice or treatment. Of those who sought treatment, 48 percent received antibiotics compared to 14 percent in 2002. Zambia further reports that the treatment for diarrhoea is sought more and has improved over the years from 52 percent in 2002 to 74 percent in 2007 (ZDHS, 2007).

**Maternal health statistical indicators**

96. There has been a steady improvement in the Maternal Mortality Ratio owing to the 1991 Health Reforms. Maternal Mortality Ratio reduced from 729 deaths per 100,000 live births in 2002 to 591 in 2007 and expected to improve further to 159 by 2020.Under Five Mortality Rate (from 168 per 1000 live births in 2002, to 119 in 2007 and Infant Mortality Rate from 95 to 70, Neonatal Mortality Rate from 37 to 34). The maternal Health Indicators have been monitored through Health Management Information System (HMIS). The various maternal health interventions undertaken and leading to such improvements include:

(a) Safe Motherhood: The Ministry of Health advocates for four quality antenatal care visits with early booking in the first trimester. In 2007 the first antenatal care was at 93 percent but the fourth visit fell to 70 percent. However, in 2008 there was an improvement in the first antenatal visits to 98 percent. In 2007, 39 percent of women attended postnatal care. The State party reports that the Ministry of Health is strengthening postnatal care especially on the sixth and day and sixth week after delivery. Antenatal coverage in 2011 stood at 86% while postnatal care coverage was at 74% (HMIS: 2011).

(b) Safe Motherhood Action Groups: The Ministry of Health is supporting the formation of Safe Motherhood Action Groups in 33 districts. These groups provide information to communities on the importance of early booking, danger signs that are found in pregnancy and encouraging institutional delivery by a skilled health worker. These groups comprise of both male and female community members, community leaders and Traditional Birth Attendants (TBA). An increase has been recorded in facility deliveries over the years to 48% while 43% of these account for deliveries in public institutions and 5% accounts for private institutions.

(c) Prevention of Mother to Child Transmission of HIV: The percentage of pregnant women put on prophylaxes to avert transmission of HIV to the baby increased from 67.9 per cent in 2008 to 95.6 per cent in 2010, a 27.7 per cent change from 2008. Guidelines were also revised to do away with the less effective single dose prophylaxes. Training of staff and other requisites have been rolled out to attain that with the PEPFAR booster support. Among the pregnant women that attended antenatal care at least once, 98.9 per cent were counselled. Among children born to mothers infected with HIV, the

percentage of infants contracting HIV reduced from about a peak of 7.72 per cent in 1997 to about 1.99 per cent in 2011 because of the reduction of HIV infection among pregnant women and the prophylaxes administered to those who are infected in the prevention of mother to child transmission of HIV. National coverage for this programme in 2011 at about 80 per cent was approaching near universal levels.

(d) Emergency Obstetric and Newborn Care: The provision of EmONC services in Zambia has improved since the EmONC Needs Assessment that was conducted in 2006. Capacity building of health workers in EmONC has been done in 61 districts. This includes 60 comprehensive sites, 308 basic sites giving a total of 368 sites. The total number of staff trained in 768 health workers. The Ministry of Health is also constructing mothers' shelters and maternity wings in three districts, i.e., Monze, Chipata and Kasama. Plans are also underway to procure equipment for the EmONC sites in 39 districts. With support from partners, the government has procured equipment for a number of EmONC sites and is in the process of procuring more equipment for the EmONC sites.

(e) Family planning information and services: Use of any contraceptive method among women has increased over the years from 12% in 1992 to 33% in 2007 (DHS: 2007). The contraceptive prevalence rate for modern methods has also increased from 7% in 1999 to 25 percent in 2007.The state party plans to further strengthen family planning and contraceptive choice programmes with special focus on rural districts. To that effect the following measures have been taken:

- A budget line for Reproductive Health commodities of which family planning is part, has been set for procurement of Reproductive Health and contraceptives and the government is further working towards a specific budget line for contraceptives;
- The Reproductive Health Commodity Security Committee (RHCS) has been set up in order to ensure effective and strategic response to Reproductive Health and family planning matters;
- Long term family planning methods are being promoted to increase access and options for women especially in rural areas. Since 2010 the government has conducted Training of Trainers in 72 districts in family planning and long term family planning methods such as UDI and Jadelle; and further trained the Community Based Distributors (CBDs) to strengthened and universalise coverage and access to family planning services;
- Increased government budget allocation to RHS from 2.4 to 6.9 billion ZMK.

(f) Maternal death Review: This is a construction of events leading to the death of a pregnant woman at community and facility level. Factors that led to the death of a pregnant woman are elucidated at community level, health centre level and hospitals level. This in turn makes interventions more focused.

## B. Adolescent health

### Adolescent reproductive health (ARH)

97. Adolescent Reproductive Health (ARH) focuses on ensuring visibility of persons aged 15 to 19 years in reproductive health planning, implementation and to define a minimum package of services to be offered for ARH. The Ministry of Health has conducted a situational analysis and has developed the Adolescent Reproductive Health Strategic Plan. This Plan provides strategic framework for strengthening the governance, coordination, delivery, monitoring and evaluation of ARH. Zambia is preparing to launch the Plan.

**Challenges in maternal, newborn and child health**

98. According to the SNDP, despite the reduction in Maternal and Child Mortality rates, these are still generally high. This is on account of incomprehensive antenatal coverage, inadequate functional emergency facilities, low institutional deliveries and untrained staff. The SNDP also indicate that adolescent pregnancies continue to contribute significantly to the high Maternal Mortality Rate and neonatal deaths. According to the SNDP, out of 72, districts only 12 had functioning Basic Emergency Obstetric Neonatal Care facilities. It is estimated that more than 50 percent of pregnant women deliver at home.

99. The causes of, and solutions to, maternal, newborn and child deaths are well documented. Interventions with the potential to save the lives of millions of children and mothers are known and readily available. The Government has used some these interventions to address the challenges faced in maternal, newborn and child deaths.

## C. Health care financing

100. According to the SNDP, there has been a steady nominal increase in the annual Government health budget from 9.7 percent in 2005 to 11 percent in 2009. In the quest to improve health care financing, the Government has been exploring ways of introducing alternative means of financing health care services aimed at raising additional revenue and increasing access to health care services. An actuarial study was conducted in 2008 to establish the viability of establishing a Social Health Insurance Scheme in Zambia. To this end, Cabinet has approved a Concept Note and legislation in this regard is being drafted.

## D. Policies and key reforms

101. Zambia will, during the SNDP period, finalise the revision of the National Health Policy of 1992 in order to harmonise various policies and pieces of legislation on health. The health sector, in collaboration with relevant stakeholders, has drafted the Sector Devolution Policy to facilitate the implementation of the National Decentralisation Policy and National Health Strategic Plan 2011-2015 in order to facilitate improved service delivery.

## E. Children with disabilities

**Policy framework**

102. Zambia ratified the Convention on the Rights of Persons with Disabilities in February 2010. In 2012, Zambia repealed the Disabilities Act of 1996 and replaced it with the Persons with Disabilities Act No. 6 of 2012 which domesticated the Convention on the Rights of Persons with Disabilities and its Optional Protocols and other international instruments on persons with disabilities to which Zambia is a party. The Act promotes, protects and ensures the full and equal enjoyment of all fundamental rights and freedoms by persons with disabilities and promotes respect for their inherent dignity.

103. The State party is committed in effecting the recommendations of the Committee. The State Party reports that the National Policy on Disability has been drafted and is before Cabinet for consideration. The policy provides a framework through which the Government will enhance the coordination of efforts by all stakeholders engaged in uplifting the rights of persons with disabilities. The policy will also ensure that the special needs of persons with disabilities are recognized in the ever changing socio-economic environment. Without a policy framework, the roles of Government and other stakeholders in issues of disability

and development lacks direction, legitimacy and proper coordination. While the policy is not child specific, it is all encompassing.

104. The monitoring and evaluation component of the draft National Disability Policy has a component to develop a national plan of action in consultation with stakeholders, establish an integrated monitoring and evaluation system as well as development of a management and information system to facilitate decision making. This will enable the collection of disaggregated data on children with disabilities and ensure policy and programmes to prevent disabilities and to assist disabled children.

105. Furthermore, one of the main objectives of the policy is the prevention of disability through providing new rehabilitation services and facilities, as well as enhancing existing services and facilities for persons with disabilities and ensure the development of disability prevention programmes with measures to develop and implement programmes to reduce incidences of disability and build and strengthen capacities of organisations dealing with prevention of disability.

106. The prevention measures in the policy promote research on causes and prevention of disability as well as conduct awareness raising and monitoring and evaluation activities on targeting prevention of disability. This will assist in developing early detection programmes to prevent and remedy disabilities.

107. The Ministry of Education has established a special needs education programme for disabled children that include them in regular school systems to the extent possible. The State party through the national policy will also develop and enforce mandatory standards on services, infrastructure and facilitate access to persons with disabilities. The policy will also ensure increased access to appropriate education and skills training facilities at all levels for persons with disabilities.

108. Zambia has several areas of awareness raising and will collaborate with key organizations dealing with information dissemination and research to ensure that parent and public sensitization on the rights and special needs of children with disabilities, including those with mental health concerns is undertaken.

109. In addition to the resources that are available, Zambia will put in place measures to mobilize resources from both national and external sources as well as cost sharing measure with the private sector, bilateral, multilateral and other cooperating partners for special education, including vocational training and support given to families of children with disabilities.

## F. Standard of living

### Social protection policy framework

110. Zambia reports that it has social protection programmes which are poverty reduction strategies that promote human development, social equity and human rights. These include Social cash Transfers, PWAS and Food Security Pack (see Chapter V above). The policy framework reflects the traditional Zambian concern for the dignity and well-being of the incapacitated, low-capacity households, children, women and the elderly in society. According to the Zambia Social Protection Strategy (2005), it is estimated that low capacity households form 20 percent of the total households in Zambia, incapacitated households are estimated at around 10 percent of total households and child headed households are approximately one percent of all households. In terms of disability, Zambia uses the World Health Organization (WHO) estimates which put it at 10% of the total population being disabled. The high levels of extreme poverty and vulnerability, coupled with multiple

effects of HIV and AIDS and unemployment demonstrate the great need for social protection.

111. The Government, under the Ministry of Community Development, Mother and Child Health, has developed a number of policies and programmes such as the National Social Welfare Policy, which is intended to provide a framework through which the Government will enhance the coordination of all players in the provision of social welfare services, as it is mandated to guide programmes in all social sectors. The Gender and Development Programme seeks to empower disadvantaged groups, especially women, through provision of skills training, income generating activities, credit facilities and entrepreneurship skills. This programme is being implemented in all the districts. Government facilitates the mobilization and sensitization of women in communities to form groups that can work together and access micro-credit for projects aimed at reducing poverty. During the FNDP midterm review it was revealed that the programme has supported approximately 15,000 women in 1,000 women's clubs.

**Existing and emerging challenges**

112. While some growth and progress has been observed, meeting the needs of the poorest and most vulnerable is often hampered by lack of adequate funds for social protection resulting in spreading resources too thinly on the ground; implementation challenges resulting in poor coordination and collaboration; and, poor administrative capacity and difficulties in identifying and reaching the targeted clients.

113. Zambia reports that efforts are being made to address these challenges and these include:

- Stakeholder consultation;
- Capacity building of all stakeholders in service delivery;
- Increased resource allocation to the child welfare programme, in particular children living on the streets and the child justice system.

## G. Views of children on basic health and welfare

114. The following were the views of children on basic health and welfare:

(a) Rights of Children with Disabilities: The children stated that they understood the concept of children with disabilities and appreciated that children with disabilities should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. They also appreciated the right of disabled children to special care. The children pointed out that children with disabilities faced several challenges including discrimination, neglect and ill-treatment based on the view that they were not useful in society. They stated that these factors contributed to children with disabilities not being able to further their education. The children also stated that facilities for children with disabilities such as special schools, user friendly buildings, materials for the blind, hearing and mobility aids and sources of information for the hard of hearing and mute children were limited.

(b) Health Care: According to some children, the biggest problem, with respect to health care, was that the focus was on the urban areas and the rural population was neglected. Their view was that the people in the villages did not have access to health care facilities as they had to travel long distances to get to health centres.

(c) Teen Pregnancies: Some of the children stated that teen pregnancies were very common and most of them were caused by parents who forced their children into

prostitution and early marriages in order to contribute to the income in the home. The children also noted that most pregnant teenage girls usually did not access health care because they were embarrassed to go to the clinic and, as such, gave birth at home and sometimes died in child birth. They said that some girls terminated pregnancies because of peer pressure. The children were of the view that the best way of preventing teenage pregnancy was by abstinence. In addition, they also stated that condoms could also be used to prevent pregnancies.

(d) Immunisation: The children stated that immunisation against disease was a right for every child. Most of the children that were interviewed indicated that they had been immunised.

(e) Adequate Access to Food: The children stated that adequate access to food was important and that lack of it was a big problem in their communities. Children in rural areas pointed out that the lack of food was a result of most people not having access to farm land. Their view was that the good land had been sold to investors for industrial purposes and this had affected food production. The children stated that there was a need to strike a balance between ensuring access to food and the right to education. In this regard, the children felt that a child should not be engaged in farming at the expense of going to school.

(f) Adequate Access to Water and Sanitation: The children stated that there was generally lack of clean water and poor sanitation in their communities. Children in rural areas stated that they had to walk long distances while those in the urban areas said they woke up as early as 05:00 hours in the morning to access clean drinking water from communal boreholes.

(g) Sexually Transmitted Infections: The children stated that they were aware of what Sexually Transmitted Infections (STIs) were. They stated that STIs could be prevented by using condoms. The children attributed the cause of STIs in children to defilement and prostitution.

(h) Suicide: The children stated that suicide was rare among children but were aware of some cases of suicide among children. They said this occurred mostly in instances of teen pregnancies. The children also said that teasing and bullying in school further contributed to children committing suicide. Others stated that suicide was caused by hardships children experienced in their homes, lack of parental care and love. They also indicated that some children committed suicide because of lack of support.

(i) Mental Illness: The children reported that cases of children suffering from mental illnesses were not common. The children, however, pointed out that children who were mentally ill were discriminated against and were unable to access the needed medical attention Zambia does not have a dedicated hospital to deal with mental health issues in children.

(j) Access to Information on Health: The children said that they had access to information through radio, television and posters on issues such as male circumcision and sleeping under a mosquito net for the prevention of malaria. They also stated that they receive information on health from teachers.

(k) Substance Abuse: The children stated that abuse of drugs such as alcohol and marijuana is common among children. The children further said that marijuana is sold at markets while alcohol is readily available to children.

**Recommendations**

115. The children made the following recommendations:

(a) The children recommended that in order to avoid situations where children with disabilities were discriminated against, the Government should continue to build more schools for children with disabilities;

(b) The children also recommended that children with disabilities should have improved access to health care and, in this regard, the Government should reduce hospital fees, provide better facilities at hospitals and ensure that medicines are available at all times;

(c) Government should ensure that strict measures are put in place to prevent children from accessing any harmful substances and restrict liquor licences and, if possible, ban the sale of beer in the country;

(d) Government should introduce and build drug rehabilitation centres across the country in order for children to access counselling services;

(e) Teachers should be trained to identify and counsel children abusing drugs;

(f) Government should ensure that children below 18 years do not access beer drinking places;

(g) The Government should introduce stiffer penalties for teachers who abuse children as they are custodians for the children when they are at school;

(h) An institution should be put in place to help children with mental illnesses;

(i) Teachers should be trained to identify class bullying and resolve conflicts as part of an intervention to prevent suicide among children;

(j) Non-governmental organisations should sensitise children on the dangers of bullying so that they are aware of the implications.

# VII. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

## A. Right to education (art. 28)

**Compulsory and free education**

116. Zambia invites the Committee to note that one of the objectives of the Education Act of 2011 is to domesticate provisions in the Convention on the right to education. In section 14, the Act firmly asserts a person's right to early childhood care, development and education and the right to basic and high school education. Section 15 expressly provides for the child's right to free basic education. This in effect implements the Committee's recommendation to the State party in paragraph 57(a) of the Concluding Observations. It is also useful to note, however, that Zambia had also come up with a Free Basic Education Policy and the new law merely provided a firm legislative basis for the implementation of the policy. The Act also obliges Government to make general and vocational education progressively available and accessible to all persons. It must also be noted that the Act is currently being amended to provide for compulsory primary and secondary education.

117. The draft Constitution also provides for the child's right to free basic education in article 55(5)(c). Related to that is article 62(1)(f) which seeks to assure to every person the right to education.

118. In keeping with article 28 of the Convention, compulsory school attendance has been provided for in section 17 of the Education Act. Parents are mandated to enrol every child that has attained school-going age at an educational institution and ensure the child's attendance. Failure to adhere to or interference with this mandate is a punishable offence.

**Free basic education policy**

119. The policy of the Ministry of Education is to provide equitable access to quality education for all Zambians, including orphans and other vulnerable children. To this effect, in 2002, the Government introduced the Free Basic Education Policy which abolished user fees for Grades 1 to 7. As a result of this policy, primary school enrolment has increased. Under the policy, the Government has also made the wearing of uniforms to class optional and directed that no child should be turned away from school on account of failure to pay the Parents-Teachers' Association (PTA) fees. Some of the reasons affecting access to education are given in the paragraphs below. The Government is, however, taking a number of steps to address challenges of access to education.

**Accessibility**

120. According to the Economic Report of 2009, the performance of the education sector was satisfactory measured by the number of children accessing basic, high school and tertiary education. Important considerations in assessing access to education are outlined in the subsequent paragraphs.

**Infrastructure development and expansion**

121. To ensure access to education for all, the State party has embarked on the development and expansion of the school infrastructure in all the ten provinces at both basic and high school level. In an effort to expand access to quality education, the Government has, since 2008, constructed 542 basic schools. Inadequate infrastructure at high school level has, however, resulted in low progression rates from middle basic level to high school level. To address this, in 2008 the Government commissioned the construction of 47 high schools. Out of that number, 32 high schools were completed in 2011 creating an additional 32,250 learning spaces. The Government also carried out rehabilitations at 347 school sites which comprised teacher's houses and classroom blocks.

**Interactive radio instruction education**

122. The National Child Policy of 2006 promotes access to education for children through, among other ways, Interactive Radio Instructions (IRI) which encourage distance learning. Distances to the nearest school and transient communities were considered when establishing IRI centres. The IRI has been expanded to include all government basic schools.

**Enrolment rates**

123. The State party has put in place various measures aimed at increasing enrolment levels in the country. The Early Childhood Care and Development and Education (ECCDE) Policy, which was initiated in 2007, was instrumental in identifying policy gaps and resulted in the revisions and finalisation of basic school guidelines. The increased number of community schools and the Ministry of Education Programme for the Advancement of Girl Child education (PAGE) introduced in 1994 have also increased the number of girls being enrolled into school.

**Drop-out rate**

124. The drop-out rate refers to the proportion of pupils who leave the system without completing a given grade in a given school year. Generally, the drop-out rate is high and this is attributed to high levels of poverty, financial constraints, long walking distances, unfavourable cultural beliefs for both boys and girls, pregnancies and early marriages for girls. To address this, the Government has a number of programmes aimed at addressing some of the causes of children dropping out of school. Some of these interventions have already been discussed such a she Social Cash Transfer Scheme, the construction of more schools and the policy of re-integrating pregnant teens back in schools.

**Completion rates**

125. The completion rates measure the education systems ability to retain pupils within the system. The State Party has introduced a number of interventions to mitigate against the high dropout rate largely explained by early marriages, pregnancies, children being orphaned and financial constraints. For instance, Bursaries are provided for orphaned children and those without financial means. There is also the re-entry policy for girls who become pregnant and stakeholder participation in supporting.

**Vulnerable children: policy of bursary support to orphans and vulnerable children**

126. Equity in education requires the Government to provide opportunities for disadvantaged groups of children in society to participate in accessing education. The Education Policy "Educating Our Future" emphasises the provision of quality education that is both equitable and accessible to all categories of children. The Education for All (EFA) Policy is one of the responses designed for expanding education services through bursaries targeting orphans and vulnerable children.

127. As has been stated above, in order to cater for orphans and vulnerable children who are unable to pay user fees, Zambia introduced a bursary scheme in 2000. This bursary scheme has been implemented through the provincial, district and school-based committees. The school-based committees comprise school staff, pupils, representative from a faith-based organisation, a social welfare officer and a member from the community. This composition is better placed to identify the vulnerable children within a given community. The State party uses the District Welfare Assistance Committee (DWAC) and Community Welfare Assistance Committee (CWAC), which comprise local people and organisations, to ensure that the local communities identify the most vulnerable children. Furthermore, NGOs also complement Government's efforts of supporting orphans and vulnerable children in payment of fees and other school requisites.

**Children with special education needs (CSEN)**

128. Zambia remains committed to ensuring that children with special needs have equal access to education. Zambia reports that nationally, in 2009, there was a decrease from 202,115 to 198,394 CSEN students at the basic level, while in 2010 there was an increase from 2,445 to 4,297 CSEN students in Zambia's secondary and high schools, respectively.

**Administration of school discipline**

129. To ensure that school discipline is administered in a manner consistent with the child's human dignity as required by Article 28(2) of the Convention, the Government has declared corporal punishment illegal and continues to ensure that there is no abuse in schools, through inspections from standards officers. As indicated earlier under Chapter I, General measures of implementation, the Education Act of 2011 prohibits corporal punishment in section 28.

## B. Aims and quality of education (art. 29)

### Recruitment of teachers

130. The Government of the Republic of Zambia is committed to employing qualified teachers in order to reduce the pupil-teacher ratio and improve the quality of learning. A total of 13,537 teachers have been recruited since 2008 and about 5,000 were recruited in 2011 alone. The recruitment of teachers is expected to continue in order to further reduce the pupil-teacher ratio.

### Pupil-teacher ratio

131. Zambia recognizes that the pupil-teacher ratio has an effect on the quality of education. Although the pupil-teacher ratio has improved in urban areas, the pupil-teacher ratio in rural areas has been affected by the low number of teachers. Most teachers prefer to work in urban areas despite the fact that government has put in place measures to attract teachers to rural areas. The Government is considering other measures to address this challenge.

### Training for teachers

132. The inadequacy of graduate teachers at high school level has proved to be a major challenge to the provision of quality education. In a bid to provide appropriate training for teachers, and in order to upgrade teacher skills, the Government introduced fast track degree programmes for teachers. Nkrumah Teachers Training College in Kabwe and the Copperbelt Teachers College in Kitwe were turned into universities. It is also noteworthy that Mulakupika University for Science and Mathematics is under construction in Chinsali district in the newly created Muchinga Province.

### Procurement of teaching and school materials

133. The funding mechanism and procurement procedures for school materials are based on existing Government guidelines. In 2007, there were 367,113 desks in schools out of a total of 803,436 desks required giving a short fall of 436,321 desks. Notwithstanding, financial constraints in the provision of teaching and school materials, the procurement of text books and learning materials is an on-going exercise. The Government has launched empowerment programmes such as the Book Procurement Policy which allows schools to purchase books according to their specific needs. In 2010, the Government set aside K19.3 million to procure these materials, segregated as K13.7 million for basic schools, K3 million for high schools and K2.6 million for pupils with special education needs.

### Construction of houses for teachers

134. A major challenge to the provision of quality education has been a shortage of accommodation for teachers. To address this challenge, Government continues to construct houses for teachers in order to alleviate accommodation problems for teachers, particularly those in rural areas. In 2011, there were 300 houses under construction. With the increase in accommodation, the Government expects to retain teachers even in the rural areas.

### Community involvement

135. The Government encourages all stakeholders such as parents, families, communities, Parent-Teachers' Associations, school boards, traditional leaders and Members of Parliament to take an active role in the affairs of schools. Parents and guardians are encouraged to check pupils' attendance and performance so as to monitor the quality of education in schools. In order to strengthen community participation in the education

sector, Government has created Provincial Education Management Committees (PEMCs) and District Education Management Committees (DEMC) at provincial and district levels respectively. The existence of District Education Boards and High School Boards is also meant to enhance community participation in the provision of education.

**Homework policy**

136. Teachers are expected to give homework, regularly, to learners as a way of re-enforcing remedial learning. All parents and guardians are expected to monitor the implementation of the homework policy in schools through their children's exercise book.

**Childrea's councils**

137. Zambia reports that the Education Act of 2011 provides for the establishment of learners representative councils (School Councils) to participate in school governance. The Government is now in the process of developing the Statutory Instrument to operationalise School Councils.

**Curriculum reforms**

138. Zambia considers curriculum development as strategic to the advancement of quality education delivery. The Education Policy provides for the review of curriculum every five years after the date of implementation. Currently, the Ministry responsible for Education has reviewed the curriculum for Early Primary and Secondary Education by focusing on competence and continuous assessment instead of using examinations as a means of assessment and qualification.

**Information and communications technology (ICT) and education**

139. Zambia recognises that in the sphere of education, ICT has the potential to improve the quality of educational training through e-learning and online learning. The Ministry of Education and the Ministry of Transport, Works, Supply and Communications are, in this regard, working to connect educational institutions to ICT facilities. As part of the programme to connect educational institutions, the Zambia Information and Communications Technology Authority (ZICTA) in 2009 financed an initiative by the Zambia Research and Education Network (ZAMREN) aimed at connecting institutions of higher learning. Further, there is also an E-learning initiative under the Ministry of Education under which an E-kiosk has been established for access to interactive study as a pilot site at a school in Lusaka.

## C. Human rights and civic education

140. Zambia is committed to ensuring the development of respect for human rights and fundamental freedoms in children. The Government has in this regard introduced civic education into the curriculum in basic and high schools to promote human rights awareness among children and teachers.

141. The Government has also promoted the establishment of Child Rights Clubs in Schools. To facilitate the operation of these clubs, school child's rights clubs facilitators have been trained on how to guide and facilitate children in the Child Rights Clubs. By the end of 2011, there were 480 child rights clubs in schools in all the ten provinces. In addition, a Trainer of Trainers Manual for facilitators has been developed to help facilitators understand their role in guiding the clubs.

## D. Budgetary provision to the education sector

142. The Zambian Government has prioritised education and has been increasing the budgetary allocation to the sector over the years, progressing from 16.1 percent in 2006, to 15.4 percent in 2007 and 2008, to 15.4 percent in 2008 and 17.2 percent in 2009. An all record high of 19.9 percent was attained in 2010 although this was followed by a drop to 18.6 percent in 2011. The Government, however, remains committed to increasing the resource allocation to the education sector and ensuring timely release of funds for programme implementation.

## E. Rest, play, leisure, recreation and cultural and artistic activities (art. 31)

### The child's right to leisure and recreation

143. Zambia recognises the importance of sport, play, leisure and recreation in the development and character formation of young people. According to the SNDP, the child, youth and sports development sector is seen as having great potential to contribute effectively to poverty reduction and economic growth through skills development and promotion of sport.

### Sports

144. During the reporting period, measures were put in place to strengthen the capacity of institutions dealing with sport and physical education. In that regard, a total of 3,195 sports administrators, coaches and community facilitators were trained compared to the target of 1,800 between 2006 and 2010. Furthermore, the Ministry of Youth and Sport has been restructured to ensure the presence of Sports Development Officers in all the provinces of Zambia. Sports Advisory Committees have also been established at provincial and district level to coordinate sports activities. There has been an increase in private sector participation in sports development with corporate entities sponsoring club and community sport and rehabilitation of sports infrastructure.

### Recreation centres

145. Zambia also wishes to report that the Government has embarked on a programme to establish reading and recreation centres by identifying old council buildings in liaison with local authorities countrywide and renovating them for this purpose. These facilities are intended to offer reading and recreation activities for children in provinces and districts as well as early childhood care, education and development activities. Currently, there are two reading and recreation centres functional in Solwezi, North Western Province and in Chongwe, Lusaka Province.

### The child's right to rest and play in the school environment:

146. Zambia reports that most public and private nursery and pre-schools have playgrounds with basic sports facilities. All schools have a 30-minute rest period after two and a half or three hours' study.

### Children's participation in artistic and cultural activities

147. Zambia reports that following the enactment of the National Arts Council Act No. 31 of 1994 and the launch of the National Cultural Policy in 2003, there has been a growth in cultural activities. Strategies adopted include the rehabilitation and construction of art and cultural infrastructure in schools and communities, the building of capacities of

arts, music and cultural teachers, administrators and peer educators and the development of outreach programmes for increased access to museums, heritage sites and archives among children and youth.

148. During the reporting period, the target was to construct two arts and cultural infrastructure. The construction of a conference hall at Kapata in Chipata was completed while the construction of a multi-purpose theatre at Maramba Village in Livingstone has reached an advanced stage.

149. In 2003, the Government of the Republic of Zambia approved the National Cultural Policy which enshrines capacity building and strengthening of education and tertiary institutions in arts and cultural disciplines. The National Arts Council, through its affiliate bodies, has established presence in nearly all the primary, basic education, secondary and high schools to encourage children participation in culture. These affiliate organisations include the National Theatre Arts Association of Zambia, Zambia Association of Musicians, Visual Arts Council and National Media Association of Zambia. Plans are also underway for the development of a curriculum for teaching art disciplines at examinable levels from primary to secondary school while strengthening the capacity of universities and colleges to train professionals in creative industries in the areas of theatre arts, music and dance, film and video production and other areas on the industry.

**Additional strategies for children's participation in artistic and cultural activities**

150. Zambia has undertaken the construction of cultural villages and the rehabilitation of theatre and arts galleries. Currently, six cultural villages are under construction in six provinces. Once completed, those cultural villages will provide space for children, youths and communities to produce, market and sell their products.

151. During the reporting period, plans were under way to establish a centre for culture at Evelyn Hone College of Applied Arts and Commerce in Lusaka to offer degree programmes in the field of culture.

152. Zambia has restructured and increased the presence of the Department of Cultural Affairs in the provinces and districts to coordinate all cultural activities. This has resulted in the formation of Provincial Arts Advisory Committee (PAAC), District Arts Advisory Committee (DAAC) and the introduction of the Cultural Festival in all the provinces in order to increase children, youth and community participation in cultural activities.

## F. Budgetary allocation to the cultural sector

153. Zambia is committed to ensuring that the cultural sector is developed and adequately supported. There is therefore a 0.2 percent budgetary allocation to the preservation of culture and cultural heritage each year.

**Status of arts and culture in education**

154. In an effort to implement the provisions of the Convention as they relate to culture, the Government faces a number of challenges. In the education sector, arts and cultural disciplines are considered to be extra-curricular activities. This has made it difficult to integrate cultural disciplines in the education system. Additionally, there are not many specialised training institutions such as arts academies, colleges or universities offering specialised courses in the arts. The only available training programmes at the University of Zambia, Zambia Open University and Evelyn Hone College teach arts disciplines to teachers who in most cases do not teach the subject upon graduation as they are assigned other duties such as coaching sports. There is a gap, therefore, in the education and training of children and young people as far as arts and culture are concerned. However, there is a

draft curriculum following 2 path ways for training, namely academic (social sciences, natural sciences and business studies) and technical (Agriculture, technology, Home Economics and Hospitality, Physical Education and Sports and Expressive Arts) and once implemented arts and culture will no longer be considered extracurricular activities.

**Arts and cultural infrastructure**

155. In terms of space where children and young people can perform or produce and display their creativity, Zambia is disadvantaged by inadequate and dilapidated infrastructure. There is a shortage of community halls, theatres, arts galleries and cultural villages. The spaces that are available are often dilapidated and, in many, cases used for purposes other than the ones for which they were intended. The Government has undertaken the construction of cultural villages and the rehabilitation of theatre and arts galleries. Currently, six cultural villages are under construction in six provinces. Once completed, these cultural villages will provide space for children, youths and communities to produce, market and sell their products.

**Inadequate resources for and prioritisation of arts and culture**

156. Other than the challenges of infrastructure, very little investment has been made in the purchase of equipment such as recording facilities, craft tools and other aid for the production and market of creative industry and, where these are available, they are beyond the reach of the intended users who are children and youths. The Government is committed to ensuring that the cultural sector is developed and adequately supported. It is hoped that the 0.2 percent budgetary allocation to the preservation of culture and cultural heritage each year will help address inadequate resources for, and prioritization of, arts and culture.

## G. Views of children on education, leisure and cultural activities

157. On education, leisure and cultural activities, the following views came from the children's conferences:

(a) Right to Education- Access to Mainstream Education by Children with Disabilities: The children stated that they attended the same schools with children with disabilities.

(b) Children Reaching Grade 5: The children stated that most children go beyond Grade 5 but drop out in Grades 8 and 9 due to teenage pregnancy and the need to help with income generation at home.

(c) School Attendance by Girls who Fall Pregnant: The children indicated that they had female colleagues who had fallen pregnant whilst in school and that those girls attended school until they went on maternity leave. They also mentioned that the girls are allowed to come back to school after giving birth. Some children referred to this as Government's re-entry policy. Children, however, mentioned that few girls continue to attend school after falling pregnant and child birth. The common reason that the children gave was stigmatization. Some children felt that the re-entry policy encourages girls to get pregnant because they know they will be allowed to go back to school.

(d) Punishment in Schools: The children stated that they were punished at school when they did something wrong. They further stated that corporal punishment still existed in schools. However, some children mentioned that corporal punishment had reduced in their schools and had been substituted with other forms of punishment. Additionally, the children stated that children in lower grades, mainly at boarding schools, were bullied by *those in higher grades and that the bullies were punished when caught.*

(e) Learning about Children's Rights: The children stated that all children in Grade 12 learn about children's rights at school. They also stated that other children learn about their rights at the children's rights clubs in their schools which are headed by teachers and peer educators. Other children mentioned that they learnt about human rights for the first time during the Provincial Consultative Children's Workshops.

(f) Language of Instruction: The children mentioned that the language of instruction in school was English and sign language for children with special needs. However, the children indicated that local languages were also used depending on the area.

(g) Safe Play Areas: The children mentioned that there were no safe playing areas within walking distance save for school play grounds which the children use mainly for playing football.

(h) Membership to Organisations: The children indicated that they belonged to different organisations and clubs of their choice such as the following:

- JETS Club;
- Debate Club;
- Children's Rights Clubs;
- Anti-Aids Club.

(i) Time Use: The children mentioned that they used time in the following manner:

- Studies – 1 hour;
- Leisure – 3 hours;
- Not spent in school – 4 hours;
- House work – 2 hours.

Children with disabilities stated that whilst the able-bodied children engaged in activities such as football and netball, they spent their time helping with chores at home.

(j) Hobbies: The children stated that they liked cooking, singing and dancing. Many of the children mentioned that they did not have libraries at their schools and that they just borrowed books from friends and teachers.

# VIII. Special protection measures (arts. 22, 30, 32–36, 37 (b)–(d), 38 and 40)

## A. Children outside their country of origin

158. Zambia remains committed to performing its voluntarily assumed refugee protection responsibilities in accordance with applicable international law. The Refugees Control Act of 1970, Chapter 120 of the Laws of Zambia, is still the principal piece of legislation that regulates issues to do with refugees and asylum seekers. The Act has no specific provisions with regard to child refugees and child asylum seekers. Zambia is, however, considering revising the Act in order to strengthen it and bring it into compliance with article 22 of the Convention. The Refugee Bill is expected to be considered by Parliament in 2013.

## B. Children and military service

159. On the minimum age for military recruitment, Zambia wishes to report that this is being addressed first by ensuring that birth registration is made compulsory for all. It is anticipated that once birth registration is made mandatory and accessible, it will be possible to rely solely on birth certificates to determine whether a person has reached the required age of 18 years for enlistment.

160. Zambia is considering ratifying the Optional Protocol to the Convention on the Rights of the Child on the Involvement of children in armed conflict. Cabinet approval for ratification has been sought in this regard.

## C. Children in situations of exploitation

### Economic exploitation and child labour

161. The 2006 National Child Policy still guides the country on the intervention measures to guard against economic exploitation of children. The Policy seeks, among other things, to:

(a) Promote a strong and proactive watchdog on child economic exploitation;

(b) Establish mechanisms that prevent economic exploitation and child labour;

(c) Strengthen the institutional and organisational capacities for child labour prevention programmes, project formulation and implementation;

(d) Reduce the high incidence of poverty in the communities;

(e) Promote awareness of children's rights in the communities; and

(f) Improve the information base on the situation of child economic exploitation.

162. Zambia also enacted the Employment of Young Persons and Children (Amendment) Act No. 10 of 2004 to bring the domestic legislation in line with the ILO Convention 182 on the Elimination of the Worst Forms of Child Labour. The Act provides that a child under the age of 13 years cannot work and a child between the ages of 13 and 15 can engage only in light work. The amendment also outlines the activities that constitute the worst forms of child labour and employs the same definition of light work as provided for in ILO Convention 138 on the Minimum Age for Admission to Employment.

163. The draft Constitution has proposed provisions for the protection of children from exploitative labour. Article 55 (5) (e) provides that a child has a right to be protected from any work that is exploitative or likely to be hazardous or adverse to the child's welfare. Article 57 also provides for protection for a young person from an occupation and employment which would prejudice the health or education or interfere with physical, mental or moral development of that young person. The rights of children will be further strengthened once these provisions are passed.

### Use of children in illicit production and trafficking of narcotic and psychotropic substances

164. Zambia wishes to report that it has continued with educational programmes aimed at disseminating information to schools, communities and workplaces through the Drug Enforcement Commission (DEC).

**Sexual exploitation and sexual abuse**

165. Zambia enacted the Penal Code (Amendment) Act No. 15 of 2005 in order to enhance protection of children against commercial sex exploitation, including prostitution and pornography. The law is meant to, inter alia, deal with offences relating to child pornography, harmful cultural practices against children, strengthening the penalty against defilement, providing for stiffer penalties for child trafficking and child prostitution. Further legislative developments were introduced in 2011. The Penal Code (Amendment) Act No. 2 of 2011 now makes it an offence to give pornographic material to a child.

166. Other relevant laws on the sexual exploitation of children that have been introduced during the reporting period are the Anti-Gender-Based Violence Act and the Education Act of 2011. The Anti-Gender-Based Violence Act contains provisions that support the fight against sexual exploitation of children. Under this Act "gender-based violence" includes economic abuse that results in, or is likely to result in, sexual harm or suffering. Also, as indicated earlier, the Act provides for shelters for child victims to secure their physical safety and basic material support and care. Section 30 on rehabilitation of victims of gender-based violence, specifically requires that the best interests of the child are taken into account when any assistance is given to rescue, rehabilitate or reintegrate a child. The Education Act of 2011 in section 32 provides for protection against gender-based violence at educational institutions, placing an obligation on the authorities to establish mechanisms of preventing and dealing with the problem.

167. Although institutions such as the Human Rights Commission and the Zambia Police Service Victim Support Unit exist to deal with the problem of child sexual abuse, some major constraints to the fight against the scourge impede progress. The lack of consistent data on child sexual abuse cases and the reluctance of the family and the general public to acknowledge the existence of sexual abuse problems has been the major obstacle to effectively deal with the problem. Also, the existence of a dual legal system (statutory/customary) compounds the problem of child sexual abuse in that children can be married off at an early age provided the parents have consented.

168. However, protection of children from sexual exploitation and abuse will further be strengthened in the Constitution. For example, Article 55 (5) (d) provides that a child has a right to be protected from discrimination, neglect, abuse and harmful cultural rites and practices, including female genital mutilation and body mutilation, and to be protected from marriage before attaining the age of eighteen years. Further, Article 55 (5) (l) provides for protection of children from all forms of sexual exploitation or abuse.

**Sale, trafficking and abduction**

169. There are various laws that have been enacted to deal with the problem of sale, trafficking and abduction of children. These include the Constitution, specifically in Article 24, the Adoption Act and the Penal Code. To strengthen the legal framework, Zambia has also enacted the Anti-Human Trafficking Act No. 10 of 2008. This Act provides for the prohibition, prevention and prosecution of human trafficking. Notably, the Act has domesticated the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The Act provides that any person who intentionally and unlawfully traffics another person commits an offence and is liable to imprisonment of not less than 20 years. Where the victim is a child, the offender is liable to a minimum of 25 years imprisonment. Trafficking for sexual exploitation may attract as much as a life sentence. In section 3(7) of the Act, if the offender is a natural parent, guardian or any other person who has parental responsibilities and rights in respect of a child in relation to children, the punishment is 25 to 35 years imprisonment. The Act also provides for the Committee on Human Trafficking. The Committee's functions include, among others, coordination; making recommendations for a national plan of action against human

trafficking and to monitor and report on the progress of the national plan; to advise on policy and also investigation and prosecution of trafficking cases: to propose and promote strategies to combat human trafficking; and, to liaise with government agencies and NGOs in the rehabilitation and reintegration of victims.

## D. Children living on the streets

170. In 2004, Zambia conducted the Orphans and Vulnerable Children Analysis. This was followed by a study on "Children on the Streets of Zambia: Working Towards a Solution" in 2006 by the Ministry of Community Development, Mother and Child Health and Ministry of Youth and Sport through the support of UNICEF, Project Concern International and RAPIDS. The 2006 study found that between 8,000 and 13,200 were extremely vulnerable children at risk of living on the streets in the near future.

171. The revision in 2006 of two major policies relevant to Zambian children, the National Youth Policy and the National Child Policy, improved implementation of policies and legislation to improve the well-being of children in Zambia. Specific interventions aimed at preventing abject poverty and destitution in the home, an aspect reported as contributing immensely to the population of street children, are implemented by the State through programmes such as the Public Welfare Assistance Scheme (PWAS) the Social Cash Transfer Scheme and the newly introduced Child Grant Scheme focused mainly on children in the most destitute and incapacitated 10% of households.

172. Further, Child Protection Committees (formerly Street Children Committees) have been increased from 13 to 25 in various districts as interventions aimed directly at helping children living on the streets. The committees' main objectives are to provide coordination, capacity building and resource mobilization at local and regional levels. These committees include representatives from relevant organizations that provide services to street and other vulnerable children.

173. The Ministry of Youth and Sport is currently implementing a programme of removal and rehabilitation of older children or youth found on the streets. The programme includes taking the children to Zambia National Service Camps for rehabilitation and training in various economic skills. Graduates are empowered with tools in their specific area of training to help them support themselves upon graduation.

174. A Sector Advisory Group (SAG) is in place to look at social protection and has a Technical Working Group (TWAG) for victims of gender based violence, orphans and other vulnerable children.

175. Zambia reports that preventive and rehabilitative services for physical, sexual and substance abuse are provided through partnership by Government and private childcare institutions. Children, once removed from the streets, are taken to childcare institutions that care for children from the streets. Further, Government has established Chikumbi Children's Centre in Lusaka and Mufulira Children's Centre in the Copperbelt Province for rehabilitation before reintegration of the children from the streets.

176. In relation to police brutality on children on the streets, the Human Rights Commission and the Police Public Complaints Authority have been strengthened to ensure that they provide a check of the powers of the police. Further, training has been provided for police officers in order to help bring about a positive and human rights friendly attitude towards children's rights and needs. Perpetrators of violence against street children are prosecuted and punished using existing legal instruments.

177. Services for reconciliation of street children are provided through the Department of Social Welfare and partner organizations trained to counsel families and children before

reintegration. Home assessments are done before reintegration to establish the needs of the family and provide for or recommend for assistance through the various social protection services available.

## E. Children in contact with the law

178. Zambia is committed to ensuring that the administration of justice for children and community processes are strengthened to ensure the rights of all children in contact with the law or the justice system as victims, witnesses and alleged offenders are protected. Progress is also being made towards ensuring that the system is compliant with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, the United Nations Guidelines for the Prevention of Juvenile Delinquency, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for the Action on Children in the Criminal Justice System. The Children's Code Bill which is currently been drafted and will be considered by Parliament in 2013.

179. The rights of children who come in contact with the law are also being considered during the current Constitution making process. The Draft Constitution has provisions that seek to guarantee the rights of children who come in contact with the law. Article 55 (5) provides that a child has a right not to be detained or imprisoned except as a measure of last resort in which case the child is entitled to further rights which include separation from adults, legal representation and to be tried in a juvenile court. The child also a right to diversion programmes.

180. Zambia has, under the Judiciary continued to host the National Child Justice Forum, a multi-sectoral forum with open ended membership from relevant government institutions and civil society. It is entrusted with coordinating all activities related to the administration of justice for children such as child crime prevention, arrest and referral services, child friendly courts, diversion programme, aftercare services and reintegration and to address issues of capacity building. Three pilot projects were established to help transform the child justice system. These are the Arrest, Reception and Referral Services (ARRS), the Child Friendly Court and Diversion.

181. The Arrest, Reception and Referral Services (ARRS) have been established at three police stations. The aim of the ARRS is to centralise the arrest of all children. The ARRS ensures the monitoring and coordination of resources by ensuring that the police, social welfare officers and family finders work hand in hand and facilitate referrals to the relevant systems within a short period of time. Where children are detained in custody, the ARRS ensures separate cells for the children, thereby, preventing detention with the adults. The cells have been renovated to ensure dignity and respect for the children and have been furnished with mattresses and blankets as well. Separate Arrested Prisoners and Properties Books (APPB) are kept for the children and this helps in data collection on the number of children passing through the ARRS.

182. Zambia wishes to inform the Committee that it has established the Child Friendly Court. This is a subordinate court that sits to hear a charge against a juvenile except for murder or attempted murder. The purpose of this court is to provide a system that assesses children holistically in a non-threatening and participatory manner and makes decisions based on the best interest of the child and balanced with the interests of justice. The language used is child friendly and allows the child to participate by asking any witnesses questions, which right is also extended to the child's parents or guardians. Where the child's parents or guardians are not before court, this right is extended to the social welfare officer who represents the child.

183. Diversion is the channelling away of prima facie cases from the formal criminal justice system. This entails that a case is not determined by a court. In Zambia there is no law that specifically provides for diversion. Thus, the courts invoke the provisions of section 73(1)(j) of the Juveniles Act that provides that the court may deal with the case in any other manner in which it may be legally dealt with. This means that the diversion options are only ordered after a child has gone through the criminal justice system and is found to have committed an offence. However diversion may be ordered as a condition for withdrawing a charge where the social welfare officer recommends, looking at the best interest of the child. Under the law review process for child related legislation currently in place, it has been recommended that diversion should form part of the legislation under child justice.

184. Further, recognising that justice for children goes beyond juvenile justice, Zambia has placed focus on supporting child-friendly justice programmes aimed at ensuring full application of international norms and standards for all children who come into contact with justice systems as victims, witnesses and alleged offenders or for other reasons where judicial intervention is needed.

185. From 2003 to June 2009, the Judiciary and the Embassy of Sweden supported the training of 1,730 child justice role players in administration of juvenile justice. Participants included police and prisons officers, social workers, probation officers, magistrates, prosecutors and civil society. This training has resulted in the establishment of local district Child Justice Fora and child friendly courts in 30 districts to provide oversight on child justice activities at district level. The system ensures that children coming before court are offered services befitting them. Further, the Judiciary has undertaken to educate its adjudicators on child sentencing and case management so that they become child-sensitive in court proceedings management and look at alternatives to custodial sentencing such as Diversion for children in conflict with the law.

186. The Zambia Police Service has also embarked on training its officers on how to deal with children at police stations. This programme has been incorporated in the training curriculum for police officers in order to improve the ability of the officers to provide a service that is appropriate and in the best interests of the child.

187. With regard to the media, Zambia notes that there is need for proper regulation in their reporting of court proceedings concerning children. The Juveniles Act prohibits the publication of court proceedings in relation to juveniles as all cases should be held in camera. Further, the media has a Media Ethics Council that provides for media reporting and one of the guiding principles is that they should not disclose information on the children that are before court.

188. In 2008, Zambia reviewed 23 pieces of legislation which have direct bearing on children with a view to identify the gaps and facilitate the review all child related laws. Zambia is currently reviewing these laws, and the age of criminal responsibility will be looked at as well as diversion options. In this regard, Bills were prepared and discussed by stakeholders. They will soon be presented to Cabinet for approval and subsequent introduction in Parliament through the Children's Code Bill which is intended to be comprehensive child legislation.

189. Zambia wishes to inform the Committee that under the Access to Justice Programme there is a budget allocation for the building of new court infrastructure. Further, child friendly Juvenile Courts, which are handled by trained magistrates, have been established.

190. Although the right to legal representation is enshrined in the Constitution, Zambia wishes to state that it cannot guarantee the same to children. Insufficient human and financial resources have impacted negatively on the provision of legal representation generally. However, legal representation is guaranteed to juveniles charged with felonies

and appearing before the high court. Zambia recognizes that there is need to empower the Legal Aid Board with resources to establish a department for juvenile representation in order to address the need to guarantee Children's right to legal representation. However, this needs adequate resources.

191. Zambia has also, through the Zambia Police Service, created centres with separate holding cells for child offenders. This facilitates the separation of children from adult offenders as they await court appearance.

192. The prisons have also taken steps to keep juvenile offenders from adults at all times. For instance, at Kabwe Central Prison, a cell was built with the assistance of the Child Justice Forum, to specifically accommodate juveniles. Other initiatives include the provision of transport to quickly transfer juveniles to Katombora Reformatory and Nakambala Approved School once they have been given custodial orders by the courts of law. There are also sensitization programmes for prison officers on the provisions of the Convention.

193. By the end of 2009, a total of 703 professionals were trained in how to deal with Child victims and the preparation of witnesses in cases of gender-based violence. The professionals include judges, magistrates, social workers, police Officers, prosecutors and medical personnel responsible for forensic examinations. The purpose of the training is to enhance the role players' skills to provide support services and impartial court preparation for child witnesses involved in the criminal justice system. By the mid-year of 2010, Zambia had 3,076 professional oriented in administration of justice for children case management based on international and regional standards.

194. To scale up the programme, 90 professionals have been trained as "Trainers" in Child Witnesses' court preparation. Further, the programme has been incorporated into the national training curriculum for in-service professional civil servants (lay magistrates, prosecutors, law students and social workers at the National Institute of Public Administration and the Department of Psychology at the University of Zambia).

195. Zambia wishes to state that police stations and prisons infrastructure still remain a challenge; courtrooms and waiting rooms are inadequate and many police stations and prisons do not have separate holding cells for children.

196. The Department of Social Welfare which has the mandate to provide probation services has inadequate financial and human resources. Further, lack of aftercare services and tracking system make the monitoring of recidivism/reoffending by juveniles difficult.

197. Zambian prisons and police stations have also for a long time experienced problems which include poor state of infrastructure, congestion, a general lack of rehabilitation facilities and specialised training in the administration of justice for children. For this reason, not all centres can have separate cells for juveniles. The Government of Zambia is currently working to address this through the Sixth National Development Plan.

## F. Views of children on special protection measures

198. The following views were expressed in the children's conferences:

(a) Cruel, Inhuman and Degrading Treatment: The children stated that the children at school are mistreated by some teachers. For instance, some teachers beat the children even if it is not allowed. At times teachers would use abusive language towards the children. Further, the children mentioned that they were subjected to punishment which is inhuman and degrading. This included whipping with a hose pipe, holding one's ears by passing the hands in between the legs and being put on detention for long hours and being made to miss lunch.

(b) Children Working and Not Attending School and Children Working and Attending School: The children stated that there were more girls working and not attending school while there were more boys working and attending school.

(c) Perception of the Justice System: The children who had come into conflict with the law stated that it took long for juvenile offenders to be taken to the reformatory school and that the Confirmation Orders by the High Court equally took long.

(d) Street Children: The children said that most of their friends had resorted to living on the streets due to the death of their parents through HIV/AIDS, abuse from their guardians or step parents, rejection and peer pressure. The children recommended that Government should provide programmes for skills training and build skills training centres for street children.

(e) Children in Conflict with the Law: The children were of the view that children who came into conflict with the law should not be detained with adult offenders as they ended up being sexually abused and some may become hardcore criminals. They also recommended that juvenile detention centres should be built in all the provincial centres as a means of preventing juveniles from mixing with adult offenders. The children were of the view that a child should be given a chance to reform and not be punished when they committed an offence and if possible turn their sentences into community service.

(f) Sexual Abuse: The children stated that there were high levels of sexual abuse which they failed to report as most of them involved their guardians, close family members or powerful members of their communities. The children recommended that the Social Welfare Department should be empowered to help in matters of sexual abuse.

(g) Child Labour: The children stated that child labour was rampant mostly in the rural areas. This was said to contribute to children stopping school during the planting or harvesting seasons. The children recommended that child labour laws should be enforced.

## G. Dissemination of documentation and way forward

199. Zambia remains committed to distributing and disseminating the Convention as part of the general awareness programmes, in particular through the school curriculum. Furthermore, Zambia remains committed to giving effect to the provisions of the Convention within the domestic legal regime through the various legislative, administrative, judicial and other processes.

200. As indicated in the preceding paragraphs, recent years have witnessed important legislative developments relevant to the promotion and protection of children's rights. Zambia will continue to review legislation and policy with a view to bringing it in line with international standards. The on-going constitutional review process also offers an opportunity for Zambia to adopt a Constitution with a new and expanded Bill of Rights with specific provisions on children's rights.